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NATIONAL SECURITY RESEARCH DIVISION

Supporting Employers in the Reserve Operational Forces Era

Appendixes

Susan M. Gates, Geoffrey McGovern, Ivan Waggoner, John D. Winkler, Ashley Pierson, Lauren Andrews, Peter Buryk

Prepared for the Office of the Secretary of Defense

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The research described in this report was prepared for the Office of the Secretary of Defense (OSD). The research was conducted within the Forces and Resources Policy Center of the RAND National Defense Research Institute, a federally funded research and development center sponsored by the Office of the Secretary of Defense, the Joint Staff, the Unified Combatant Commands, the Navy, the Marine Corps, the defense agencies, and the defense Intelligence Community under Contract W74V8H-06-C-0002.

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Preface

The U.S. Department of Defense (DoD) Employer Support of the Guard and Reserve (ESGR) asked the RAND National Defense Research Institute to study the effects that using the Reserve Components (RCs) as an operational force can have on employers. The study involved the review and analysis of existing research and data related to the Uniformed Services Employment and Reemployment Rights Act (USERRA) (Pub. L. 103-353, 1994) and the effects that employee absences more generally have on employers, focus groups with employers, interviews with RC chiefs, and a legal and legislative history review of USERRA. Study findings are presented in Gates et al., 2013. This document consists of technical appendixes that provide detailed information on the underlying analyses we conducted to develop the findings in the main report.

The more-detailed information contained in these appendixes will be of interest to policymakers in DoD and the U.S. Department of Labor who are interested in specific issues or in the underlying methodology used by the research team. It will also be of interest to researchers.

This research was sponsored by ESGR and conducted within the Forces and Resources Policy Center of the RAND National Defense Research Institute, a federally funded research and development center sponsored by the Office of the Secretary of Defense, the Joint Staff, the Unified Combatant Commands, the Navy, the Marine Corps, the defense agencies, and the defense Intelligence Community.

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Abbreviations

ADA	Americans with Disabilities Act
AFR	Air Force Reserve
AG	U.S. Attorney General
ANG	Air National Guard
ARNG	Army National Guard
CEI	Civilian Employment Information
CIA	Central Intelligence Agency
COBRA	Consolidated Omnibus Budget Reconciliation Act
DEERS	Defense Enrollment Eligibility Reporting System
DMDC	Defense Manpower Data Center
DoD	U.S. Department of Defense
DOL	U.S. Department of Labor
ESGR	Employer Support of the Guard and Reserve
FBI	Federal Bureau of Investigation
FMLA	Family and Medical Leave Act
FR	first responder
HR	human resources
MSA	metropolitan statistical area
OLS	ordinary least squares
OMB	Office of Management and Budget

OSC	U.S. Office of Special Counsel
RC	Reserve Component
SBA	U.S. Small Business Administration
SOFS-R	Status of Forces Survey of Reserve Component Members
SOS	Statement of Support
STSA	Selective Training and Service Act
TRS	TRICARE Reserve Select
USAR	U.S. Army Reserve
USERRA	Uniformed Services Employment and Reemployment Rights Act
VBA 2010	Veterans' Benefits Act of 2010
VETS	Veterans' Employment and Training Service
VEVRAA	Vietnam Era Veterans' Readjustment Assistance Act
VRR	Veterans' Reemployment Rights
WWII	World War II

APPENDIX A

USERRA History

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is not the first piece of legislation designed to provide employment and reemployment protection for members of the armed services. Rather, USERRA is a complete rewrite of earlier pieces of legislation collectively called the Veterans' Reemployment Rights (VRR) laws.[1] VRR laws, in turn, trace their roots to the Selective Training and Service Act of 1940 (STSA) (Pub. L. 76-783). The revisions over the years were triggered by military engagements and disengagements and ensuing policy discussions about how best to protect service members and encourage military service. As one commentator put it, "Most of the laws regarding veteran employment rights were passed when huge numbers of veterans were returning from major wars (WWII [World War II], Vietnam, and the Gulf War)" (DePremio, 2006, p. 32).

The series of revisions suggests an ongoing effort to "get it right" and adapt to changing policies and global circumstances. This dynamic process—one that is sensitive to both policy and operational needs—is likely to continue as the U.S. Department of Defense (DoD) examines the implications of an operational reserve policy. To better understand the current law, as well as the reasons for its changes over the years, this appendix provides a brief overview of the legislative history of service member rights. It traces the major pieces of legislation and highlights why, at each stage, new legislation was required to meet the changing needs of the country. We identify early policy debates that gave rise to USERRA in order to reveal the underlying challenges that the legislation was designed to remedy.

Our review illustrates that the current USERRA legislation traces its history to pre-WWII protections and draft-era policies. Subsequent military engagements and increasing demands on military personnel provided opportunities for revisions and expansions to the substantive protections. But stakeholders viewed this patchwork approach

[1] In our review of the literature, we found conflicting and contradictory uses of the term *VRR* or sometimes *VRRA*. Some authors use the term to mean the collection of laws between the STSA and USERRA relating to veterans' reemployment rights. Other commentators use the term (erroneously) to refer to specific pieces of legislation. For this report, we use the broader definition of *VRR*, referring to the collection of piecemeal amendments to the STSA. When important single pieces of legislation are relevant, we discuss them individually.

as cumbersome and confusing. Following the Gulf War, Congress undertook a full rewrite of service member employment rights, resulting in USERRA. Since its passage, USERRA has also been revised on a few occasions, but these revisions have been made to clarify minor points of law and increase the strength of some specific protections.

Overall, whereas USERRA's predecessor laws were deficient in terms of content, DoD policy interface, and general harmony with nonmilitary employment protections, USERRA does not present the same number or degree of problems and, thus, does not warrant substantial revision on the order of replacement legislation.

The Selective Training and Service Act of 1940 Provided the First Reemployment Rights to Service Members

Service member reemployment rights were created before U.S. involvement in WWII. The STSA established the core elements of service member reemployment rights. Although the STSA is known primarily for its requirement that young men register for the draft, the law provided reemployment rights upon a service member's completion of duty. The reasons behind the protections were prospective rather than reactive. Concerned that draftees might face career repercussions from extended employment absences, Congress provided reemployment rights so draftees could be confident of their civilian reemployment upon return from duty. This justification (encouraging service by removing future employment worries, and quieting some of the discontent expressed by draftees) remains at the core of veterans' employment protections to this day.

The STSA granted drafted service members who completed their duty the right to apply for reemployment with their previous civilian employers.[2] At the time the STSA was in effect, a service member was required to apply for reemployment within 90 days after completing training and service (with special provisions in the case of hospitalization resulting from service). For private civilian employment or employment with the federal government, the STSA entitled the service member to reemployment "by such employer or his successor in interest [in the original employment position] or to a position of like seniority, status, and pay."

Three dimensions of this early law remain in the current USERRA law: the right to seek reemployment within a period of time following service, the requirement that the service member take action to inform the previous employer of the demand for reemployment, and the legal protections for the type of position to which the service member is entitled upon reemployment.

---

[2] The STSA applied only to draftees. The reemployment protections would be extended to all returning regular veterans (i.e., not reservists or guardsmen), whether they joined voluntarily or involuntarily, via the Service Extension Act (Pub. L. 77-213, 1941). This was an important revision that extended reemployment rights even for service members who volunteered. Voluntary service is still covered under USERRA.

Interpreting the STSA's protections, particularly the phrase "like seniority, status, and pay," proved difficult for employers and service members. As a result, the courts heard several challenges brought by service members seeking reemployment at the appropriate level of seniority. In 1946, a landmark U.S. Supreme Court case dealt with the question of whether service members were entitled to seniority based not only on length of time actually on the job but also on time spent on military leave. The case, *Fishgold v. Sullivan Drydock & Repair Corp.* (328 U.S. 275, 1946), established the "escalator principle."[3] Favoring the service member, the court ruled that seniority accrues for military leave just as it would for any other employee in continuous employment: A service member "does not step back on the seniority escalator at the point he stepped off. He steps back on at the precise point he would have occupied had he kept his position continuously during the war" (328 U.S. at 284–285).

The *Fishgold* case was important, not only for interpreting the escalator principle but also for liberally reading the STSA in favor of the service member. Explaining the purpose of the law, Justice William O. Douglas wrote, "He who was called to the colors was not to be penalized on his return by reason of his absence from his civilian job. He was, moreover, to gain by his service for his country an advantage which the law withheld from those who stayed behind" (328 U.S. at 284). Furthermore, the court held that the STSA was "to be liberally construed for the benefit of those who left private life to serve their country in its hour of great need" (328 U.S. at 285), granting the greatest benefit to the service member. This liberal construction meant that service members were to receive the benefit from any doubt about the scope of the law: a very pro–service member outcome.[4]

From its onset, then, service member reemployment rights legislation was designed as an incentive to aid the nation through military service. Crafted to quiet some of the discontent created by the draft policy, the early legislation was purposely written to benefit service members at a cost to civilian employers in the name of national service.

The STSA provided the foundational legislation for service member employment rights. But this first attempt had its limitations. A core deficiency of this early legislation and minor amendments that followed was the inapplicability of the law to state governments and localities. In fact, Congress explicitly stopped short of mandating state compliance in the Selective Service Act (Pub. L. 80-759, 1948). The 1948 law states, "It is declared to be *the sense of the Congress* that [an employee of a state or political subdivision thereof] *should* . . . be restored to such position or to a position of like seniority, status, and pay" (§9[c], emphasis added). However, there was no statutory

---

[3] See Gates et al., 2013, Chapter Two, for more on the current application of the escalator principle under USERRA.

[4] The *Fishgold* case was not the only early court case on service member reemployment rights. Subsequent case law would wrestle with what benefits of employment were tied to seniority. See, for example, *Coffy v. Republic Steel Corp.*, 447 U.S. 191 (1980) and *Alabama Power Co. v. Davis*, 431 U.S. 581 (1977).

legal duty for state agencies to restore a returning veteran to his or her former position. (Looking ahead, Congress would remedy this omission in the 1974 amendments to the VRR laws [Pub. L. 93-508]. Following the 1974 revision, both public and private employers were bound to restore returning veterans to their previously held positions.[5])

The STSA remained the core of reemployment legislation with minor revisions until another major conflict called on the U.S. military and civilian employers: the Vietnam War.

Vietnam War–Era Revisions to Employment Legislation Expanded Reemployment Protections and Extended Rights to Reservists

Minor revisions immediately following WWII expanded protections to service members concerning civilian employment leave for physicals, established the Selective Service System (the Selective Service Act of 1948), and provided federal restrictions on personnel policies on promotions and terminations (Veterans Benefits Act, Pub. L. 85-857, 1958). But the major revisions came during the Vietnam War era.

A collection of laws, including the Military Selective Service Act of 1967 (as renamed and amended by Pub. L. 90-40, 1967) and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) (Pub. L. 93-508, 1974), updated the original provisions of the STSA and notably expanded reemployment protections to reservists. These laws would become commonly known as the VRR laws (Crotty, 2007, p. 174; DePremio, 2006, p. 34). The end of the Vietnam War provided the need and the opportunity to revisit the protections and benefits granted to returning service members. At the same time, "Employment protection was important in luring the potential one-term volunteer (to replace the draftee) and to induce separating members to continue to serve in the reserve forces" (Manson, 1999, p. 57).

VEVRAA was designed both to forbid discriminatory practices against veterans of the Vietnam War and to require federal contractors to take affirmative action to employ and advance these veterans in their careers. VEVRAA states that private employees "shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a reserve component of the Armed Forces" (38 U.S.C. § 2021 *et seq.*). The more proactive approach of VEVRAA may reflect the government's desire to combat the prejudices associated with the Vietnam conflict over and above employer disinclinations toward

[5] For a discussion of the legislative intent concerning the states, see generally *Von Allmen v. Connecticut Teachers Retirement Board*, 613 F.2d 356 (2nd Cir., 1979).

hiring service members who could be called up for duty. VEVRAA applied to both reservists and regular returning veterans.[6]

VEVRAA also remedied the previously discussed deficiency in the STSA regarding veteran reemployment rights in state and local government positions. The U.S. Senate noted that, although some states had enacted parallel legislation providing employment rights to returning service members, the content of those provisions varied considerably from state to state. In the face of this patchwork of protections and some outright "reluctance" to reemploy veterans in state and local jurisdictions, the exemption for state and local government positions was removed, making reemployment rights universal regardless of the employer's identity (U.S. Senate, 1974, pp. 109–110).

From VRR to USERRA: The Total Force Policy Changed the Demands on Voluntary Military Service and Emphasized Greater Reliance on Volunteers from the Civilian Workforce

Toward the end of the conflict in Vietnam, DoD policy shifted toward a strategy that relied more heavily on the National Guard and Reserve forces. Known as the Total Force Policy, the guidance was meant to change the mix of available forces used in national defense. The important aspect of the change in policy for our purposes is the greater reliance on the Reserve Components (RCs) (Hansen et al., 2011). The reserve strategy was a major development for the nation's military:

> During the Cold War, the reserve forces were, for the most part, forces in reserve as part of a planned redundancy with active duty forces. After the fall of the Berlin Wall, greater emphasis was placed on reserve component roles and missions as part of, but not as an adjunct to, the "Total Force." (Manson, 1999, p. 58)

Although not a legislative development, the change in DoD policy set the stage for new challenges in reemployment rights for the RCs. The new policy not only would require larger numbers of reserve service members but would also, over time, lead to a greater need for reserve forces to serve whenever U.S. armed forces were deployed. The increase both in number of reservists needed and potentially in the length of time they were away from civilian jobs could have proven difficult to manage under VRR laws.

Anticipating that the new reliance on the RCs could affect civilian employment practices, DoD began to look critically at the state of reemployment legislation. Pre-

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[6] Employment protections were extended to guardsmen and reservists in a piecemeal legislative fashion, first to reserve forces in 1951 (Pub. L. 82-51) and then to guardsmen in 1960 (Pub. L. 86-632; see also 38 U.S.C. §2024[c]). Whereas these early pieces of legislation attempted to provide some protection to members of the Guard and Reserve, the legislative history of VEVRAA suggests that the statute intended to treat regular veterans and reservists equally. See generally *Monroe v. Standard Oil Co.*, 452 U.S. 549 (1981).

liminary efforts examining the possibility of a rewrite and draft proposals that would become USERRA began about a decade before USERRA's passage in 1994:

> In the mid 1980s, the Department of Defense (DoD) and the Department of Labor (DoL) appointed an interagency task force to study the VRR law and propose improvements. At its second meeting, the task force decided that part of the problem with the VRR law was that it had been amended so many times that it had become confusing and cumbersome. (Wright, 2003)

The task force of the 1980s proposed a complete rewrite, but efforts toward that end stalled until the onset of the Gulf War reignited interest in reserve forces and civilian employment.

The Gulf War provided the first "opportunity to test America's new defense posture and, consequently, the first significant chance to see its effects on the personnel" (Manson, 1999, p. 58). Subsequently, "[f]or the first time since the Korean War, the President ordered a large-scale call-up of the Reserve component" (Wright, 2003). This activation of reserve forces on such a large scale triggered renewed interest in the VRR rewrite, "and the issue of job protections and reemployment rights became an important national priority" (Wright, 2003).

A confluence of influences, then, led to the need to rewrite the VRR protections. Table A.1 describes these arguments. The left column represents three broad areas that might classify the types of arguments raised during the 1980s and 1990s. The right column summarizes the top-level claims lodged against the existing legislation. These are not the only reasons that might justify a legislative rewrite; they merely represent the major themes that emerged from our literature review. Although there may have been additional influences, at least three broad arguments seem to have been made in favor of revision: challenges to implementing the laws' content, a changed DoD reserve policy, and general, nonmilitary antidiscrimination law developments.

The content challenges reflect both the piecemeal amendment process that produced the "confusing and cumbersome" laments, as well as a series of legal decisions regarding discriminatory intent, definitions of legislative terms, and specific challenges arising under the escalator principle regarding the type of positions service members

Table A.1
The Arguments for Rewriting Veterans' Reemployment Rights Laws

Issue Area	Issue
Content	Current legislation is difficult to implement and understand.
Policy shifts	DoD made a major shift in policy toward use of reserve forces with its Total Force Policy, rendering some of the legislation obsolete.
Consistency with general employment law	Veteran-specific legislation needs to be better integrated with general employment law.

were entitled to claim upon reemployment. The phrase "DoD policy interface" reflects the challenges arising from greater reliance on more reservists for greater periods of deployment under the Total Force Policy. The final category of challenges weighing against VRR laws was their disharmony with other antidiscrimination laws, such as the Civil Rights Act (Pub. L. 88-352, 1964) and the Americans with Disabilities Act (ADA) (Pub. L. 101-336, 1990). This legislation was created in one piece, as opposed to the piecemeal process through which VRR laws evolved.[7] In addition, these other antidiscrimination laws had introduced peculiarities, such as restrictions on firm size and the option of waiving substantive rights, which had not yet been considered or incorporated under VRR laws.

Because the provisions of USERRA itself are outlined in the main report (Gates et al., 2013), we turn next to a discussion of the brief legislative history since the act's passage in 1994.

There Have Been Amendments to USERRA Since 1994 but No Sweeping Changes to the General Protection of Service Members

Several pieces of legislation have amended USERRA, mostly patching overlooked areas in the original law. For example, the Veterans Programs Enhancements Act (Pub. L. 105-368, 1998) grants service members the right to request the U.S. Attorney General's (AG's) involvement in a USERRA case if attempts to resolve the employment dispute are unsuccessful. It further amends USERRA to grant federal courts the jurisdiction to hear cases commenced against a state employer, if brought by the United States on behalf of the veteran. In 2000, the Veterans Benefits and Health Care Improvement Act (Pub. L. 106-419) included attendance at authorized funerals to perform honor duty as a covered absence from civilian employment. In 2004, the Veterans Benefits Improvement Act (Pub. L. 108-454) extended the period of time a service member may opt to pay for Consolidated Omnibus Budget Reconciliation Act (COBRA) (Pub. L. 99-272, 1986) continuation coverage from 18 to 24 months. It also, notably, required employers to post notice about USERRA rights and responsibilities to service member employees.

More-substantial revisions have been offered in various bills but had not been enacted as of the time of this writing. For example, the Servicemembers Access to Justice Act (U.S. Senate, 2009) would have made changes to the current application of USERRA protections, including the following:

[7] To be clear, we did not undertake a comparison study of VRR laws or USERRA with other antidiscrimination legislation. The history of the ADA and Civil Rights Act, however, suggests a more coherent set of regulations than VRR laws' protections.

- waiver of state defenses under sovereign immunity when sued by service member employees
- prohibition on employer-requested arbitration agreements
- increased liquidated damages for USERRA violations and the authorization of punitive damages
- right to a jury trial in limited instances.

The most-recent substantial changes to USERRA have been enacted under the Veterans' Benefits Act (Pub. L. 111-275, 2010) (VBA 2010). Among the revisions are a few notable elements that bear mentioning:

- VBA 2010 requires a demonstration project on the handling of USERRA cases filed against federal agencies. The project would allow a limited number of cases to be handled by the U.S. Office of Special Counsel (OSC).
- VBA 2010 clarifies that wage discrimination against members of the armed forces is prohibited.
- VBA 2010 clarifies the doctrine of "successor in interest" and enumerates the conditions under which USERRA liabilities transfer to successor companies.

Also noteworthy, and discussed in the next section, Congress amended USERRA in late 2011 to harmonize its antidiscrimination protections with other employment law. The Vow to Hire Heroes Act (Pub. L. 112-56, 2011) added statutory language that was intended to provide employment protections for veterans working in hostile work environments. This statutory revision was a reaction to a Fifth Circuit Court decision earlier in 2011 that denied a claim of discrimination based on hostile work environment because there was no express language in USERRA that would recognize such a claim (*Carder v. Cont'l Airlines, Inc.*, 636 F.3d 172, 5th Cir., 2011).

Overall, unlike the problems with the VRR, the issues surfacing over USERRA seem to be administrative and technical in nature rather than problems of ambiguity and confusion.

USERRA Has Evolved Since 1994

The legislative history presented in the previous section reveals how service member reemployment protections responded to challenges in implementation, interpretation, and a changing operational environment. Those challenges have continued past USERRA's enactment and subsequent revisions. New reserve mobilizations have tested the law in previously unseen ways, as more service members have brought claims against

their employers.[8] In turn, it has been the courts, not Congress, that have played a major role in interpreting and reshaping the law's protections in recent years.

Whether the courts have correctly interpreted the legislative intent behind USERRA is up for debate.[9] What is known is that the courts have been interpreting the USERRA law in light of new challenges from employers and service members. These interpretations, some of which may be inconsistent across different courts, raise policy questions about the scope of service member rights and responsibilities.

This section reviews three areas with which the courts have grappled while interpreting the law. The attention that the courts have paid to these issues may signal a need for legislative revision to clarify the law if the number of claims brought by service members continues to rise.

We show that the federal courts of appeals have played an integral role in shaping USERRA post-9/11. During this time of large-scale mobilizations, the courts have had differing opinions on which direction to take the law. As we review in this section, some courts have expanded USERRA's protections, while other courts have limited its protections.

Our Review Focuses on Appellate Decisions to Identify Trends and Policy Priorities Since 9/11

Our approach to reviewing the legal history of USERRA challenges focuses almost exclusively on appellate courts. We focus on appellate court opinions because they resolve uncertainties found within the law itself, as opposed to district courts, which determine the facts, or the events that took place in a case. Because our main interests are the policy issues surrounding the law and not the individual cases that come to the courts, the appellate review approach will highlight the most-important issues that are brought on appeal.[10]

Cases that make their way to an appellate court present unique questions of law for the judges to answer, putting them in a position to decide policy issues for large geographic regions. Moreover, the U.S. Supreme Court can hear only a limited number of cases a year, which often leaves the appellate courts to provide the final interpretation of a law. In sum, appellate courts have a strong influence on the meaning of a

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[8] To be clear, however, we do not have data on the overall claiming rates. We cannot assess whether there are more cases being filed per capita than in the past.

[9] In at least one notable example, Congress has stepped in to correct what it saw as errors in the courts' application of the law. VBA 2010 remedied court doctrine concerning wage discrimination and clarified when a company was liable for USERRA claims as a successor in interest.

[10] It may also be useful to conduct a review of cases that are brought each year under USERRA. Such a review might include a study of the types of claims and their frequency (discrimination, pay and benefit disputes, hostile work environment), the choice of legal approach (self-representation versus use of Veterans' Employment and Training Service [VETS] services), and outcomes. This type of study would require more-extensive and detailed data than were available at the time this report was written.

law, which makes them central to this study. We review cases from the U.S. Supreme Court, as well as the U.S. Circuit Courts of Appeals.

Since 9/11, there has been an increase in USERRA claims heard by the appellate courts.[11] Our review of the appellate litigation history since 9/11 revealed a variety of issues, both substantive and procedural, that were present in several cases. The procedural issues concerned fine points of legal process and are not within the scope of this report. The substantive issues that arose, however, suggest that the courts have been playing a major role in shaping the rights and responsibilities of service members under USERRA. The areas that we discuss in this report are chosen for frequency and salience. The latter is a judgment call, informed by the appellate review, as well as the legislative history and historical development. Our review also suggests that some legal issues remain unresolved by the appellate courts. These unresolved issues may develop into more-concrete cases in the future.

Two Areas Have Stoked Major Legal Challenges

In this section, we report what we view as the most-salient issues that have arisen in the appellate courts. We review issues on which appellate courts have differed in interpretation, and we discuss issues that made USERRA unique among other employment discrimination laws. From our review of the appellate history, two areas rise to prominence, presenting emerging issues that either currently trouble the courts or may do so in the future, given the current state of the law and evolving business practices: waiver of rights and hostile work environment. Although recent congressional action has likely resolved the hostile-work-environment area, both waivers and hostile work environment are discussed in the following sections.

Waiver of Rights May Be Effective Only Under Certain Circumstances

Waiver-of-rights cases are those in which, for example, an employee of a firm is entitled to a benefit but voluntarily agrees to surrender his rights. This occurs frequently in termination and severance cases, in which a company offers a severance payment in exchange for a waiver of all legal claims the employee may otherwise have against the firm. Not all employment rights can be waived. For example, the rights granted under the Family and Medical Leave Act (FMLA) (Pub L. 103-3, 1993) may never be waived, per the statutory language (29 CFR 825.220[d]).

The issue of waiving USERRA rights can be divided into three areas: (1) waiver of all rights by contract, (2) waiver of procedural rights through arbitration, and (3) waiver of rights by collective bargaining agreements.

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[11] By conducting a simple search of a Westlaw database, we discovered that, from September 11, 2001, to the fall of 2012, the federal courts of appeals have heard more than 170 cases regarding USERRA. In the period between USERRA's passage in 1994 to September 11, 2001, the federal appellate courts heard only 74 cases that referenced USERRA.

Waiver of All Rights by Contract

USERRA sets a floor for service member reemployment benefits. Some states offer more benefits. Title 38 of the U.S. Code, §4302(b), makes explicit that USERRA supersedes all state laws that limit the "rights and benefits" provided to service members.[12] Subsection (a) provides one exception: Any state law that is better for the service member than USERRA is will supersede USERRA.[13] Therefore, states are welcome to provide more-generous benefits.

State laws govern the formation and execution of employment contracts. If a contract reduces a right or benefit provided by USERRA, the contract would run afoul of §4302(b). For instance, a contract containing a clause that specially denied the escalator rule would be nullified because it eliminates a right provided by USERRA. Thus, under this scenario, a service member would still be protected against an employer that did not abide by the escalator rule. In the alternative, if a contract provided a better escalator rule than what USERRA offered, it would take precedence over USERRA, according to §4302(a). Thus, under this hypothetical, a service member's rights would be defined by the contract because it provides more protections than USERRA does.

Determining whether or not an employer/employee agreement provides benefits above and beyond USERRA protections, however, has been an area of some contention. A recent development in the law has allowed employees to sign release agreements that waive potential USERRA claims (see *Wysocki v. IBM*, 607 F.3d 1102, 6th Cir., 2010). In practice, this has been used in severance agreements. Before termination of employment, an employee is presented with a separate and independent release agreement that waives potential USERRA claims. The issue here is whether a service member can voluntarily agree to employment terms that waive USERRA rights in exchange for an alternative benefit.

An important case provides illustration of this issue and a ruling that may seem counter to the original intent of the law. In *Wysocki*, a previous IBM employee, George Wysocki, was denied reemployment following his return from a tour of duty in Afghanistan. IBM based the denial of reemployment on a lack of skills associated with the position and refused to retrain Wysocki as a data administrator. On the day he was terminated, Wysocki signed a release contract called an Individual Separation Allowance Plan. This agreement paid Wysocki a severance payment of around $6,000

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[12] Section 4302(b) states,

> This chapter supersedes any State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matters that reduces, limits, or eliminates in any manner any right or benefit provided by this chapter, including the establishment of additional prerequisites to the exercise of any such right or the receipt of any such benefit.

[13] Section 4302(a) states,

> Nothing in this chapter shall supersede, nullify or diminish any Federal or State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

in exchange for an agreement waiving Wysocki's federal and state rights to sue IBM for any employment matters related to his status as a reservist.

The issue the court had to decide was whether Wysocki could contractually give up his USERRA rights in exchange for a lump sum of money. USERRA explicitly contemplates alternative arrangements with employers but stresses that the alternative protections must exceed those provided under statute.[14] The question is whether $6,000 was more valuable than the waived USERRA rights.

The court found that the alternative arrangement Wysocki made with IBM was valuable and could reasonably be understood as providing a benefit in excess of USERRA. Because the Individual Separation Allowance Plan was explicit about the release of all claims relating to his veteran status, the court found that Wysocki was aware of the trade-off between the right to sue under USERRA and the $6,000 severance payment. By signing the release agreement, the court reasoned, Wysocki knew he was waiving his USERRA rights and making the conscious choice that the benefits provided by the agreement were superior (607 F.3d at 1108). For the time being, this interpretation is the law only in the Sixth Circuit, covering Kentucky, Michigan, Ohio, and Tennessee (although we note that, in *Wysocki v. IBM*, 131 S. Ct. 945, 2011, the U.S. Supreme Court denied Wysocki's appeal to have the ruling reviewed). It is unclear how other courts would rule on a similar issue.

Although *Wysocki* is a unique example of a severance agreement used to manage potential USERRA-related liabilities, the use of contract negotiations to mitigate employment discrimination liabilities is not new. As we discuss in the next section, employment contracts frequently specify the processes to be used in resolving a dispute. However, there are other issues that might be of concern, including whether an employer can use lump-sum payments in exchange for a waiver of USERRA rights at the time the employer hires new employees. This ex ante approach could help employers manage risks associated with USERRA liabilities while providing new hires with an up-front payment. For now, however, this is just a hypothetical situation; we are aware of no cases that have challenged this sort of arrangement. It remains to be seen whether an up-front payment in exchange for USERRA waivers would be considered a benefit in excess of the USERRA protections.

Waiver of Procedural Rights Through Arbitration

Employment contracts frequently specify how grievances between employers and employees are to be handled. These clauses often opt for alternative forms of dispute resolution, such as arbitration and mediation, as the first course of action. Companies use arbitration clauses to ensure that legal disputes involving employment or products will never make their way to a court. By signing an agreement with an arbitration clause, an employee is agreeing to settle potential employment-related legal issues in

[14] Section 4302(a) allows for contracts to supplant USERRA if it provides the veteran rights and benefits superior to or in excess of those granted under USERRA.

front of and be bound by the decision of an arbitrator rather than a judge. Cost, privacy issues, and the ability to control the process may all weigh in favor of an employer pushing arbitration over judicial actions.

In the USERRA context, arbitration clauses seem to be growing in popularity, as seen in the number of appellate cases that address the issue. It is not clear whether arbitration agreements are on the rise in general employment contracts or whether this is a USERRA-specific trend. Although employers have warmed to the use of arbitration, there is division among the federal courts regarding enforcement of such clauses. Here, again, the issue is one of freedom of contract: Can a current or future service member voluntarily waive statutory rights in an employment contract?

Some courts have found that arbitration clauses do not supplant USERRA's court-based procedures for claiming rights and, thereby, are used to deny service members the full weight of the legal protections (see *Breletic v. CACI, Inc.*, 413 F. Supp. 2d 1329, 2006; and *Lopez v. Dillard's, Inc.*, 382 F. Supp. 2d 1245, 2005). Enforcing the arbitration clause would, under this interpretation, deny a service member the procedural right to be heard by a jury. District courts have found that the procedural process surrounding USERRA claims is itself protected (*Breletic*, *Lopez*). In *Breletic*, the court found that the language of §4302(b) was ambiguous but that a U.S. House of Representatives report on that section indicated that USERRA preempts arbitration clauses.

Other courts have determined that arbitration clauses are enforceable and save the parties time and money (see *Dettling v. Adams*, 575 F. Supp. 2d 842, N.D. Ohio, 2008; *Garrett v. Circuit City Stores*, 449 F.3d 672, 5th Cir., 2006; *Kitts v. Menards, Inc.*, 519 F. Supp. 2d 837, N.D. Ind., 2007; *Landis v. Pinnacle Eye Care, LLC*, 537 F.3d 559, 6th Cir., 2008). Enforcing arbitration clauses could help lessen the costs borne by employers because arbitrations allow for the choice of a convenient forum, can provide valuable confidentiality, and sometimes cost less than litigation. One court that has enforced arbitration clauses found that §4302(b) of the USERRA does not apply to procedural rights because they are not listed in USERRA's definition of the phrase "rights and benefits" found in §4303(2) (*Garrett*, 449 F.3d at 681, 5th Cir., 2006). This line of reasoning views making a claim in court as a wholly procedural maneuver and not a substantive right (like freedom from discrimination). Under this interpretation, arbitration supplants a procedural mechanism but does not alter the content of substantive rights that will be addressed at arbitration. Thus, arbitration clauses are permissible.

Although the Fifth and Sixth Circuits have upheld arbitration clauses, the presence of differing opinions among some of the district courts on this topic suggests continued litigation and confusion in the years ahead. At present, whether arbitration clauses are legal depends on where one is employed and where one brings the legal claim.

Waiver of Rights by Collective Bargaining Agreements

Collective bargaining agreements are employment conditions negotiated between unionized employees and their employers. When it comes to the federal government and its employees, some of the terms and conditions set by collective bargaining agreements are codified by law. For instance, 5 U.S.C. §7121(e) codifies grievance procedures for employment termination.[15] When a union employee files a grievance regarding his or her termination, the union challenges the termination with the employer in hopes of getting the employee reemployed. Federal employees who fall under this section of the law can elect to take their claims to court or have their unions address the grievance for their losses.[16] The service member cannot do both (see §7121[e][1]). Thus, when a service member elects to grieve his or her termination under this law, he or she denies him- or herself access to the courts. Filing a grievance for a loss may be less burdensome than litigation. However, the process may lack the representation that legal counsel provides and the impartiality that accompanies a federal court. Moreover, the results are not appealable.

In *Pittman v. DOJ* (486 F.3d 1276, 2007), the U.S. Court of Appeals for the Federal Circuit affirmed a provision found in a collective bargaining agreement that waived a service member's procedural rights. It is important to note that the collective bargaining agreement was upheld because it was authorized by federal law and it applied only to federal employees. If the collective bargaining agreement had been authorized by state law, USERRA would supersede it under §4302(b).

In *Pittman*, U.S. Department of Justice employee, Gary Pittman, chose to grieve his termination per the collective bargaining agreement rather than pursue a USERRA claim through the Merit Systems Protection Board. By choosing to grieve his claim, he waived his right to have his case brought before the board. This is consistent with 5 U.S.C. §7121(e), which allows a federal employee to either file an appeal to the board or file a grievance but not both. However, 38 U.S.C. §4324(b) authorizes service members to submit a claim directly to the board. Because §4324(b) does not mention how that provision interacts with §7121, the court in *Pittman* implicitly inferred that

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[15] Section 7121(e)(1) of Title 5 of the U.S. Code states,

> Matters covered under sections 4303 and 7512 of this title which also fall within the coverage of the negotiated grievance procedure may, in the discretion of the aggrieved employee, be raised either under the appellate procedures of section 7701 of this title or under the negotiated grievance procedure, but not both. Similar matters which arise under other personnel systems applicable to employees covered by this chapter may, in the discretion of the aggrieved employee, be raised either under the appellate procedures, if any, applicable to those matters, or under the negotiated grievance procedure, but not both.

[16] Section 7103(a)(2)(A) of U.S. Code, Title 5, defines *employee* as someone employed by an agency. Section 7103(a)(3) excludes from its definition of the term *agency* the Central Intelligence Agency (CIA), Federal Bureau of Investigation (FBI), Government Accountability Office, National Security Agency, Tennessee Valley Authority, Secret Service, and the Federal Labor Relations Authority and its Federal Service Impasses Panel. Thus, those working for any of the agencies mentioned above are not covered by §7121.

the two laws could coincide. Thus, choosing to grieve under §7121 will bar a service member from bringing a claim to the board.

This is an area Congress may wish to clarify because the courts have generally been left without much direction on how to interpret the two provisions. Allowing a service member to both grieve and appeal to the board would greatly strengthen USERRA. That way, if one option fails, a service member can pursue his or her claim using the other procedure. However, this may be too burdensome on the entire complaint process. If so, Congress may want to consider limiting a service member's choice of process to just the board because it provides a more impartial arena for disputes and the rulings are appealable.

Hostile Work Environments Can Be Considered Discriminatory

Another area in which courts are divided is whether USERRA protects employees from a hostile work environment.[17] A hostile work environment exists when "harassing behavior is sufficiently severe or pervasive to alter the conditions of [one's] employment" (see *Vega-Colon*, 625 F.3d at 32, 2010 [quoting *Pa. State Police v. Suders*, 542 U.S. at 133, 2004]). This sort of harassment is unlawful and discriminatory when it relates to an employee's race, gender, religion, disability, age, pregnancy, or national origin (see the Civil Rights Act, the ADA, the Age Discrimination in Employment Act [Pub. L. 90-202, 1967], and the FMLA). As it applies to veteran status, most courts provide protections that are on par with general principles of antidiscrimination law. However, the Fifth Circuit held that USERRA does not extend to hostile-work-environment cases (see *Carder*, 636 F.3d at 172). The Fifth Circuit case was a major departure from general antidiscrimination law. Although Congress has taken steps to repair the flaw the Fifth Circuit found, we summarize the case in this section.

The court in *Carder* found that §4303(2)'s definition of *benefit of employment* does not include specific references to workplace harassment and thus USERRA does not protect service members from a hostile work environment. The ADA and Civil Rights Act share the same statutory language that the Supreme Court has interpreted as providing protection from a hostile work environment; however, USERRA does not share this language. Because USERRA has different statutory language, the court in *Carder* concluded that Congress did not intend to protect service members from a hostile work environment. The judges reasoned that Congress would have included the same language as it had in the ADA and the Civil Rights Act had it intended the benefits to be identical. Furthermore, the court found that USERRA's purpose "is to encourage

[17] For cases not recognizing USERRA as protecting employees from a hostile work environment, see *Carder*. For cases that recognize USERRA as protecting against a hostile work environment, see *Conners v. Billerica Police Dep't*, 679 F. Supp. 2d 218 (D. Mass. 2010); *Dees v. Hyundai Motor Mfg. Ala., LLC*, 605 F. Supp. 2d 1220 (M.D. Ala. 2009); and *Petersen v. Dep't of Interior*, 71 M.S.P.R. 227 (1996). For cases that assume that USERRA protects employees from hostile work environments but not deciding that it does, see *Figueroa Reyes v. Hosp. San Pablo del Este*, 389 F. Supp. 2d 205 (D.P.R. 2005); and *Vega-Colon v. Wyeth Pharms.*, 625 F.3d 22 (1st Cir. 2010).

people to join the reserves" and not to prevent "invidious and irrational" discrimination. Because the court in *Carder* believed that Congress did not intend to provide this kind of protection, it held that USERRA did not protect service members from a hostile work environment. However, given that §4301(a)(3) specifies that the law's intent is to "prohibit discrimination against persons because of their service in the uniformed services," the court's finding regarding congressional intent is strange.

In quick response to the decision, Congress passed a revision to USERRA designed to repair the deficiency. Although the court ruling prompted Congress to amend USERRA by inserting language that suggests that hostile-work-environment claims are actionable, the new language has not yet been challenged in court. It seems likely, however, that the matter has been put to rest.

APPENDIX B

Analysis of Data from the DoD National Survey of Employers

In 2011, Employer Support of the Guard and Reserve (ESGR) surveyed business establishments (including private-sector employers, nonprofit organizations, and government offices) across the country, sampling both employers that have employed RC members since June 2007 and employers that have not employed RC members. Of a sample of nearly 80,000 employers, approximately 10,500 employers returned a completed survey, for a response rate of 17 percent for RC employers (9,583 respondents) and 5 percent for non-RC employers (876 respondents). The RC employers were selected from the Civilian Employment Information (CEI) system maintained by the Defense Manpower Data Center (DMDC); the stratified random sample of non-RC employers was pulled from a Dun and Bradstreet database. If an employer from the Dun and Bradstreet database responded that it had employed an RC member, it was reclassified as part of the RC sample. If an employer from the CEI system reported not having employed an RC member in the preceding 36 months, the employer was still considered an RC employer (but marked as having zero RC employees).

Of the 10,629 employers that responded to the survey, 9,663 reported employing an RC member. Of those that reported employing an RC member, 9,422 responded to questions regarding their sectors. Using weights, we find that federal RC employers constituted 4 percent of the RC employer population, state and local government RC employers were 6 percent, other public employers (not federal, state, or local) were 16 percent, and private and nonprofit employers were 75 percent. Some RC employers were missing sector information and thus were not included in the detailed sector analysis presented in this appendix. We report breakdowns by sector only when there are interesting differences related to federal employers.

The sample was representative of all businesses in the United States with paid employees and thus excluded the self-employed; for an employer with more than one location, each establishment was eligible for inclusion. Surveys were directed to be completed by the person at the organization familiar with human resource (HR) practices related to RC employees. Stratification was by state and RC employer status. All results presented here are weighted and thus representative of the population of U.S. businesses. The analysis was performed using Stata (StataCorp, 2007).

As part of our examination of the effects that using the RCs as an operational force can have on the employers of RC members, we analyzed the National Survey of Employers data to inform the design of the focus group protocol and to gain additional perspective on how employers view USERRA and RC employees.

Overview of Respondents

Sample Characteristics

Examining basic sample characteristics (see Table B.1), we see that 4 percent of RC employers in the survey sample self-reported as first responders (FRs) (i.e., emergency services). Forty-one percent of RC employers reported having one to ten employees, making this the most frequently reported category. Twenty-seven percent of RC employers reported being a public entity. Less detail is provided for non-RC employers (many variables that could be used to identify the business are considered confidential

Table B.1
Sample Characteristics

Variable	Percentage of Sample
RC employers	
FRs	4
Public	27
Employer size (number of employees)	
1–10	41
11–49	24
50–99	11
100–500	18
501 or more	8
Non-RC employers	
Employer size (number of employees)	
1–10	79
11 or more	19
All others	3

NOTE: Margin of error ranges from ±0.2 percent to ±3.3 percent. Ns for RC employers: weighted = 169,215; unweighted = 9,663. Ns for non-RC employers: weighted = 7,830,378; unweighted = 966.

and not released with the survey data). However, we do see that 79 percent of non-RC employers reported having one to ten employees.

Number of Reserve Component Employees

When we look only at RC employers, we see that 26 percent of respondents reported that they had not employed RC members in the previous 36 months. Thirty-four percent reported one RC member as an employee; 33 percent reported two to ten. Seven percent reported 11 or more RC members as employees. Among the population of all employers surveyed, 98 percent had not employed an RC member in the previous 36 months (results not shown).

When we look only at RC employers with sector information, we see that, in the 36 months prior to the survey, 26 percent reported that they had not employed RC members; 35 percent reported that they had one RC member as an employee; 33 percent of employers reported that they had employed two to ten RC members; and 7 percent reported 11 or more RC members as employees (results not shown).

Compared with the other categories of respondents among RC employers, state and local entities more frequently reported having employed an RC member in the previous 36 months; only 11 percent of employers in that category stated that they had not. And among RC employers, no fewer than 29 percent of respondents in each category reported having employed between two and ten RC members (results not shown).

Conversely, federal RC employers more frequently reported high numbers of RC employees during the same period: More than 25 percent of federal RC employers employed at least 11 RC members in the previous 36 months. By contrast, less than 4 percent of private and nonprofit RC employers had 11 or more RC members in their workforce (results not shown).[1]

Controlling both for whether the employer is public or not and for the size of the employer (and the interaction between public and FR), we see that being a private-sector FR (compared with other private-sector employers) did not have a statistically significant effect on the likelihood of having any RC employees (see Table B.2, second column; FR variable).[2] Being a public-sector non-FR employer (compared with private-sector non-FR; public variable) also had no statistically significant effect. However, public-sector FRs were more than three times as likely to have employed at least one

[1] Note that these percentages reflect information based on survey data that were weighted to be representative of all RC employers.

[2] We used a logistic regression model for this and selected other analyses presented here. Logistic regression is used when the dependent variable is categorical (such as a dummy or indicator variable). Readers should be advised that, because our model specification includes controls for employer sector (public versus private), FR status, and an interaction term between the two, the parameter estimates on these control variables must be carefully interpreted. For example, the parameter estimate on the "public" variable reflects the effect of being a public-sector employer (versus a private employer) among non-FR employers. To understand the full effect of being a public FR, one must combine the effects of all three parameters.

Table B.2
Logistic Regression Models of the Likelihood of Employing Any Reserve Component Member and 11 or More Reserve Component Members, Odds Ratios

Employer Characteristic	Any RC	11 or More
FR	1.431	1.088
	(0.637)	(0.222)
Public	0.989	4.504***
	(0.0770)	(0.731)
Public × FR	3.257**	(Dropped)
	(1.576)	(Dropped)
11–49 employees	1.269***	0.797
	(0.0935)	(0.166)
50–99 employees	1.707***	1.038
	(0.165)	(0.221)
100–500 employees	2.683***	2.640***
	(0.255)	(0.589)
501+ employees	4.782***	7.339***
	(0.990)	(1.491)
Constant	1.701***	0.0183***
	(0.0895)	(0.00272)

NOTE: Robust standard errors in parentheses. *** = $p < 0.01$, ** = $p < 0.05$. N = 8,302.

RC member than a private FR (statistically significant at the 95-percent level; see interaction variable public × first responder). All categories of larger employers were more likely than employers with one to ten employees to have employed an RC member in the previous 36 months (this result is statistically significant at the 99-percent level, and the model controls for FR status, public status, and the interaction of public and FR status).

Examining the likelihood of having employed 11 or more RC employees in the previous 36 months, we see that FR status among all organizations (controlling for public status and size but not an interaction term) was not a significant predictor (see

Table B.2, third column).[3] When we control for FR status and size, we find that public employers were more than four times as likely as private employers to have 11 or more RC employees (significant at the 99-percent level). When we control for FR and public status, we see that all categories of employers with more than 100 employees were also significantly more likely than employers with one to ten employees to have employed 11 or more RC employees (significant at the 99-percent level).

National Guard and Reserve Employees

Military Leave

All employers were asked what the maximum amount of time was that they could successfully run a business without hiring a replacement while an employee was on leave for military duty (see Table B.3). Examining differences in responses to this question, we see that non-RC employers were much more likely than RC employers (statistically significant at the 99-percent level) to cite less than one month as the maximum absence they could sustain without a replacement if one of their employees were absent. RC employers were much more likely than non-RC employers to cite four to six months, seven to 12 months, or more than one year (statistically significant at the 99-percent

Table B.3
Maximum Absence, by Reserve Component Status (%)

Length of Absence	RC	Non-RC	Difference (RC – Non-RC)
Less than one month	28	47	–20***
One to three months	28	25	2
Four to six months	10	7	4***
Seven to 12 months	9	4	5***
More than one year	25	16	9***

NOTE: Margin of error ranges from ±0.8 percent to ±4.5 percent.
*** = $p < 0.01$. Ns for RC employers: weighted = 166,453; unweighted = 9,505. Ns for non-RC employers: weighted = 7,015,495; unweighted = 869.

[3] The interaction between public and FR status was removed from this regression because it was dropped when the model was run because of small cell size. Thus, for this regression, the FR coefficient refers to all FRs compared with non-FRs, regardless of sector, and the public coefficient refers to all public organizations compared with private organizations (including nonprofits), regardless of FR status. For models in which the interaction term is included, the FR coefficient shows the effect of being an FR among private organizations only, the public coefficient shows the effect of being a public organization compared with a private organization (including nonprofits) among non-FRs, and the interaction term shows the effect of being a public FR compared with a private FR.

level). These differences could be due to many factors; perhaps RC employers have a more flexible business model that allows for longer absences, or RC employers are more used to absences and better understand how they might adapt without hiring a replacement. An interesting result to note is that 27.8 percent of RC employers reported that they would need to hire a replacement if their employees were absent for less than one month, signifying that even shorter absences incur costs for many employers.

Days of Notice

All employers were asked to assume that at least one of their employees was an RC member and report the number of days of notice that would be necessary for employee military leave of one to 30 days, 31 days to seven months, eight months to one year, and more than one year. The most frequent response for absences of zero to 30 days was eight to 14 days of notice for RC employers and one to seven days for non-RC employers. For absences of 31 days or longer, both RC and non-RC employers most frequently cited 15–30 days of notice as being preferable. As the length of absence increased, more employers cited higher spans of notice (see Table B.4). Employers

Table B.4
Preferred Length of Notice (%)

Preferred Length	RC	Non-RC
Absence of 0–30 days		
No notice	2	3
1–7 days	31	33
8–14 days	35	30
15–30 days	29	28
31–60 days	3	3
61–90 days	1	2
More than 90 days	3	1
Absence of 31 days to seven months		
No notice	1	3
1–7 days	10	12
8–14 days	23	21
15–30 days	46	44
31–60 days	14	10
61–90 days	5	6
More than 90 days	2	4

Table B.4—Continued

Preferred Length	RC	Non-RC
Absence of eight months to one year		
No notice	1	3
1–7 days	7	9
8–14 days	17	15
15–30 days	45	47
31–60 days	18	12
61–90 days	9	8
More than 90 days	3	6
Absence of more than one year		
No notice	1	3
1–7 days	7	9
8–14 days	16	13
15–30 days	43	45
31–60 days	19	14
61–90 days	11	9
More than 90 days	4	8

NOTE: Margin of error ranges from ±0.2 percent to ±4.8 percent. Ns for RC employers range from 150,248 to 163,423 (weighted) and from 8,658 to 9,317 (unweighted). Ns for non-RC employers range from 5,840,575 to 6,756,582 (weighted) and from 747 to 847 (unweighted).

seemed to need more time to prepare for absences of more than 30 days. Responses of federal employers were similar to those of employers in other sectors and are not reported separately here.

Type of Absence

All employers were then asked what type of absences would be best for their businesses (again assuming at least one RC employee), with a choice between shorter and more-frequent absences, longer and less frequent absences, both options would be good for business, and both options would be bad for business. A majority of non-RC employers (51 percent) said that both would be bad for business. Employers were fairly evenly split between reporting whether shorter or more-frequent absences would be best versus longer and less frequent absences. Twenty-nine percent of RC employers said that both

options would be good for their business; 22 percent of non-RC employers reported this (see Table B.5).

Among RC employers for which we had information on employer sector, federal employers were more likely than other employers to report a preference for shorter, more-frequent absences (see Table B.6) and were less like to report that both options would be bad for their operations.

Timing of Training

Seventy-seven percent of RC employers and 67 percent of non-RC employers said that having the two months of training prior to deployment immediately before a deployment of a year or more would be preferable to having training one or more months before the deployment (results not shown).

Timing of Absence

Few employers (either RC or non-RC) reported that having an absence of one year of every five, in addition to regular training and drill requirements, would make their

Table B.5
Preferred Absence Length and Frequency (%)

Length and Frequency of Absences	RC	Non-RC
Shorter, more frequent	19	13
Longer, less frequent	18	14
Both good	29	22
Both bad	34	51

NOTE: Margin of error ranges from ±1.2 percent to ±4.5 percent.
Ns for RC employers: weighted = 166,775; unweighted = 9,521.
Ns for non-RC employers: weighted = 7,051,667;
unweighted = 872.

Table B.6
Preferred Absence Length and Frequency, Reserve Component Employers, by Sector (%)

Length and Frequency of Absences	Federal	State or Local	Other Public	Private or Nonprofit	Overall
Shorter, more frequent	31	20	19	19	19
Longer, less frequent	21	21	20	18	18
Both good	31	31	34	27	29
Both bad	17	28	28	36	34

NOTE: Margin of error ranges from ±1.2 percent to ±6.4 percent. Weighted Ns range from 5,765 to 123,011 (163,911 overall). Unweighted Ns range from 412 to 6,606 (9,361 overall).

businesses better off. Thirty-two percent of non-RC employers said that it would not have an effect, while 35 percent reported that it would make their businesses somewhat worse off, and 28 percent said that it would make their businesses much worse off. Thirty-six percent of RC employers said that it would not have an effect, while 41 percent reported that it would make their businesses somewhat worse off. More non-RC (28 percent) than RC (17 percent) chose the option that it would make their businesses much worse off (see Table B.7).

Length of Absence

Those employers that reported having at least one RC employee in the previous 36 months (RC employers) were asked the length of time that those employees had been absent for military duty. Fourteen percent reported that the employees had not been absent; 72 percent reported absences of one to 30 days. Forty-two percent reported absences of 31 days to seven months, while 31 percent reported absences of eight months to one year, and 33 percent of more than a year. Fifteen percent of respondents said that there had been an absence due to military duty but that they were not sure of the length of the absence (results not shown).[4]

Advance Notice Given

Businesses that reported having at least one RC employee who was absent for military duty in the previous 36 months were asked how much advance notice they were provided (see Table B.8). Some RC employees may not give advance notice to their employer because their units did not have much advance notice; others may forget to provide advance notice or choose not to do so. For absences of one to 30 days, nearly one-third (33 percent) of respondents said that their employees provided notice 15–30 days in

Table B.7
Impact of Absence If Absent One Year of Every Five (%)

Impact	RC	Non-RC
My business would be much better off.	2	2
My business would be somewhat better off.	5	3
It would not have any effect on my business.	36	32
My business would be somewhat worse off.	41	35
My business would be much worse off.	17	28

NOTE: Margin of error ranges from ±0.4 percent to ±4.2 percent. Ns for RC employers: weighted = 166,896; unweighted = 9,530. Ns for non-RC employers: weighted = 7,030,293; unweighted = 869.

[4] Percentages do not sum to 100 percent because the absence lengths were asked as separate yes/no questions.

Table B.8
Advance Notice Provided to Employers by Reserve Component Members Activated in the Previous 36 Months, by Length of Absence (%)

Length of Absence	No Advance Notice	1–6 Days	7–14 Days	15–30 Days	More Than 30 Days
1–30 days	4	17	23	33	24
31 days to seven months	1	9	15	31	43
Eight months to one year	1	6	12	29	52
More than one year	1	5	10	26	58

NOTE: Margin of error ranges from ±0.5 percent to ±3.8 percent. Weighted Ns range from 36,010 to 86,422. Unweighted Ns range from 2,094 to 5,206.

advance of their absence. For absences of 31 days to seven months, 43 percent said that their employees gave more than 30 days of notice. For absences of eight months to one year, more than half (52 percent) of employers reported that their employees gave them more than 30 days of notice; this number increased to 58 percent for absences of more than one year. There seems to be a correlation between length of absence and timing of advance notice to employers, with employees more frequently providing notice more than 30 days in advance of their leave as absence duration increases.

Military Leave

Seventy-four percent of RC employers reported being aware that RC employees could take military leave during their military duty without returning immediately to their civilian employment. Federal employers reported a higher level of awareness, with only 9 percent reporting they were unaware of this flexibility (results not shown).

Changes to Business Operations

Employers that reported that at least one RC employee had been absent for military duty in the previous 36 months were asked whether these absences resulted in any changes to standard business operations. Twenty-eight percent of respondents said that the absences had resulted in changes. We examined the reported business changes by length of absence, taking the longest absence reported by the employer and comparing whether changes were reported (see Table B.9). Of the employers that reported changes, 22 percent reported a maximum absence of less than 30 days in the previous 36 months, while 37 percent reported an absence of more than a year. For employers that reported no changes, 32 percent reported experiencing an absence of more than one year, indicating that changes to business operations are not solely dependent on length of absence.

Table B.9
Whether Absence Changed Standard Business Operations, by Length of Absence (%)

Length of Absence	No	Yes	Overall
1–30 days	32	22	29
31 days to seven months	16	23	18
Eight months to one year	15	15	15
More than one year	32	37	34
Unknown	5	3	5

NOTE: Margin of error ranges from ±0.7 percent to ±4.2 percent.
Weighted Ns: no = 85,326; yes = 33,316; overall = 118,642.
Unweighted Ns: no = 4,921; yes = 2,053; overall = 6,974.

Using a logistic regression model to control for employer size and sector, we explored the relationship between the likelihood of reporting changes and employer characteristics. Public FRs were more likely than private FRs to report a business change, controlling for employer size (statistically significant at the 90-percent level; see Table B.10, interaction term coefficient). Being a public non-FR employer (compared with a private non-FR employer) made one more likely to report changes (significant at the 99-percent level). All categories of employers listed in Table B.10 were less likely to report changes than an employer with one to ten employees, with the odds ratios decreasing as the size of the employer increases; this is statistically significant at the 99-percent level. This indicates that employers with more than ten employees less frequently experienced changes to standard business operations as a result of the absence of an RC employee than the smallest employers, controlling for public and FR status.

Using a logistic regression model to control for employer size and more-detailed sector information that breaks out the federal employers, we explored the relationship between the likelihood of reporting changes and employer characteristics. Federal, state, and local employers were more likely than private employers to experience changes (significant at the 95- and 99-percent levels, respectively; results not shown). This is consistent with the results for public employers in Table B.10.

Employers that reported changes were asked a series of questions regarding the extent to which the absences of RC employees contributed to various business challenges (see Table B.11). Less than one-third of employers cited increased cost of benefit plans, loss of existing business, or difficulty developing new business. Nearly three-quarters of employers that reported changes said that employee absence had caused disruptions in work scheduling to a moderate or large extent. Hiring, training, and finding replacements caused burdens for some employers, but more than 50 percent of employers said that absences affect these aspects of their business to only a small extent or not at all. For 33 percent of employers, absences contributed to coworkers suffer-

Table B.10
Logistic Regression Model of the Likelihood That a Business Experiences Change as a Result of Reserve Component Employee Absence, Odds Ratios, by Employer Characteristic

Employer Characteristic	Change to Business Operations
FR	0.755
	(0.431)
Public	1.435***
	(0.133)
Public × FR	2.879*
	(1.686)
11–49 employees	0.766***
	(0.0695)
50–99 employees	0.535***
	(0.0601)
100–500 employees	0.446***
	(0.0471)
501+ employees	0.336***
	(0.0663)
Constant	0.490***
	(0.0333)

NOTE: Robust standard errors in parentheses. *** = $p < 0.01$, * = $p < 0.1$. N = 5,905.

ing an increased workload to a large extent. Less than 20 percent said that absences contributed to increased workload to a small extent or not at all. Increased workload of coworkers and disruptions in work scheduling seemed to be the issues most affected by absences.

Thirty percent of employers that reported any challenge responded that they experienced ten or more problems to a small, moderate, large, or very large extent. Only 23 percent reported experiencing five or fewer problems. However, some of these problems may be related. We explored this hypothesis using factor analysis to determine whether any subsets of these problems were frequently cited by the same employ-

Table B.11
Extent of Business Challenges Experienced During Military Leave of Employees, by Challenge (%)

Challenge	Not at All	Small Extent	Moderate Extent	Large Extent	Very Large Extent
Increased workload and disruptions					
Increased workload of coworkers	2	17	32	33	16
Disruptions in work scheduling	6	21	38	23	13
Disruptions in product delivery or workflow	18	24	34	16	8
Lower coworker morale	47	29	15	6	3
Loss of critical work skills	23	24	27	15	11
Increased overtime costs	28	22	24	14	12
Replacement issues					
Increased costs from hiring replacements	33	24	18	14	11
Increased costs from training replacements	31	25	18	15	11
Increased time spent finding or training qualified replacements	30	24	19	15	12
Problems finding and keeping clients					
Loss of existing business	72	16	6	3	3
Difficulty developing new business	70	15	9	3	3
Other					
Increased cost of benefit plans	64	19	9	4	4
Other	84	4	6	3	4

NOTE: Margin of error ranges from ±0.9 percent to ±4.2 percent. Weighted Ns range from 32,358 to 32,863 ("other" = 17,053, an outlier). Unweighted Ns range from 1,987 to 2,020 ("other" = 1,097, an outlier).

ers. We found three groupings: (1) replacement issues, consisting of increased cost from hiring replacements, increased costs from training replacements, and increased time spent finding or training qualified replacements; (2) increased workload and disruptions, made up of increased workload of coworkers, disruptions in work scheduling, disruptions in product delivery or workflow, lower coworker morale, loss of critical work skills, and increased overtime costs; and (3) problems with finding and keeping clients, defined by loss of existing business and difficulty developing new business.

Only two challenges did not fit into one of these three groupings: increased cost of benefit plans and other.

Nineteen percent of employers reported a problem in only one of the three factor dimensions. Fifty-one percent reported a problem in two dimensions. Thirty percent reported a problem in all three. Of those employers that reported experiencing a problem (from a small to a very large extent), 39 percent of employers reported only a small or moderate extent. Thirty-four percent reported a large or very large extent in one dimension, 22 percent in two dimensions, and only 5 percent in all three.

We examined the relationships between employer characteristics and these three dimensions of challenges they reported as a result of the absence of an RC employee (see Table B.12). A dummy variable for whether the employer reported any extent of a problem was created for each of the three dimensions. We find that public non-FR employers were less likely to report replacement issues than private non-FR employers

Table B.12
Logistic Regression Model of the Likelihood That a Business Experiences Certain Business Challenges as a Result of Reserve Component Employee Absence, Odds Ratios

Employer Characteristic	Replacement Issues	Increased Workload and Disruptions	Client Problems	Increased Benefit Costs
FR	0.584	0.255	3.280	0.945
	(0.675)	(0.248)	(3.367)	(0.191)
Public	0.655**	0.802	0.290***	0.941
	(0.109)	(0.792)	(0.0550)	(0.148)
Public × FR	1.220	(Dropped)	0.208	(Dropped)
	(1.432)		(0.224)	
11–49 employees	0.856	1.246	0.486***	0.867
	(0.152)	(1.449)	(0.0772)	(0.134)
50–99 employees	0.963	1.491	0.355***	0.615**
	(0.219)	(1.909)	(0.0801)	(0.130)
100–500 employees	1.037	1.135	0.240***	1.121
	(0.225)	(1.621)	(0.0498)	(0.202)
501+ employees	1.181	0.173	0.275***	0.961
	(0.524)	(0.214)	(0.128)	(0.339)
Constant	4.316***	665.4***	1.500***	0.697***
	(0.601)	(749.4)	(0.172)	(0.0793)

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$. Ns range from 1,666 to 1,710.

(statistically significant at the 95-percent level), controlling for FR, size, and the interaction between public and FR. However, no other employer characteristics showed a significant relationship with replacement issues.

For increased workload and disruptions, we were not able to include the interaction term between FR and private because the regression dropped this variable. None of the employer characteristics was significantly related to the likelihood of experiencing this type of business challenge.

Client problems were less likely among public non-FRs than private non-FR employers (significant at the 99-percent level), controlling for FR status, size, and the interaction between FR and public. Employers with 11 or more employees were less likely to report client problems than were employers with one to ten employees (all significant at the 99-percent level). We also examined increased benefit costs and were not able to include the interaction term. We find that employers with 50–99 employees were significantly less likely than employers with one to ten employees (at the 95-percent level) to experience increased benefit costs. Other employer size categories were not significantly different from the omitted category.

Exploring the "other" comments that employers wrote in, we find particular challenges for educational agencies; when a teacher or teacher's aide leaves for military duty, the absence disrupts student learning even if the agency can hire a replacement or substitute. Other employers require specialized training for employees, so hiring replacements can be quite costly; one law enforcement agency said that its training takes nine months to complete. Additionally, upon return from military duty, some employees may need retraining or updating of certifications, which would incur an additional cost to their employers. Absences of key employees (managers or those with special skills) seemed to cause more difficulties for employers. Some employers mentioned that lack of notice on the part of the RC member, which could be due to lack of notice given to their units, caused resentment among coworkers and difficulties in planning schedules and hiring replacements. Other employers (likely public agencies) said that they are unable to hire replacements because they have set budgets.[5]

Aspects of the Absence That Pose Problems for Business

The group of employers that reported that military absences resulted in changes for their businesses was also asked what aspects of the absences contributed to problems for their businesses. The majority said that issues related to employees not returning to work, being involuntarily assigned additional military duty, and having a manager or senior leader activated did not contribute to business problems. More than 50 per-

[5] For the open-ended responses, we know only size. DMDC provided a spreadsheet of responses with indicators of size and whether the employer was in the CEI database.

Table B.13
Aspects of Absence That Contribute to Business Problems (%)

Aspect	Not at All	Small Extent	Moderate Extent	Large Extent	Very Large Extent
National Guard and Reserve employee absences were too frequent.	29	34	23	9	5
National Guard and Reserve employee absences were too long.	18	27	30	15	11
There was insufficient advance notice regarding upcoming military duty.	45	27	15	6	8
Employees were involuntarily assigned additional military duty.	53	23	13	7	4
The call-up came at a particularly inconvenient time and could not be changed.	42	25	16	9	8
National Guard and Reserve employees failed to return to work as soon as expected.	66	16	10	4	4
The lengths of military assignments were unclear.	48	22	14	10	7
The business owner or other senior leader was activated.	81	6	5	4	4
Other	89	2	3	4	3

NOTE: Margin of error ranges from ±1.0 percent to ±5.9 percent. Weighted Ns range from 31,931 to 32,750 ("other" = 15,336, an outlier). Unweighted Ns range from 1,979 to 20,14 ("other" = 985, an outlier).

cent of employers reported that frequency of absences, insufficient notice, inconvenient call-up time, and unclear length of absence contributed to a small extent or not at all to business problems. Length of absence seemed to relate more to hardship level, with a majority reporting that longer absences contributed to a moderate or small extent to business problems (see Table B.13).

We explored which types of employers were more likely to report that aspects of the military absence contributed in a small, moderate, large, or very large extent to business problems (see Table B.14). Employers with 50–99 employees were less likely than employers with one to ten employees to report that absences were too frequent (significant at the 95-percent level). Public organizations were more likely than private employers to report that absences were too long (significant at the 95-percent level). Involuntary assignment of additional military duty, RC employees failing to return to work when expected, and the length of military assignments being unclear were issues as well for public employers (significant at the 99-percent level). All categories

Table B.14
Logistic Regression Model of the Likelihood That a Business Reports Aspects of Military Absence Contributing to Business Problems, Odds Ratios

Employer Characteristic	Too Frequent	Too Long	Insufficient Notice	Involuntarily Assigned	Inconvenient Time	Failed to Return	Lengths Were Unclear	Owner Was Activated	Other
FR	1.271	0.864	1.181	0.965	1.284	0.751	0.751	0.801	0.347**
	(0.325)	(0.251)	(0.238)	(0.191)	(0.255)	(0.152)	(0.147)	(0.204)	(0.166)
Public	1.349	1.547**	1.072	1.584***	0.965	1.774***	1.673***	1.018	1.936**
	(0.258)	(0.311)	(0.166)	(0.247)	(0.155)	(0.283)	(0.248)	(0.185)	(0.617)
11–49 employees	0.824	0.855	0.786	0.904	0.742*	0.864	0.965	0.760	0.984
	(0.142)	(0.164)	(0.119)	(0.137)	(0.117)	(0.139)	(0.144)	(0.137)	(0.402)
50–99 employees	0.654**	0.918	0.735	0.877	0.652**	0.851	1.019	0.734	1.552
	(0.142)	(0.228)	(0.142)	(0.172)	(0.128)	(0.177)	(0.196)	(0.174)	(0.732)
100–500 employees	0.718	0.917	0.982	1.040	0.686**	1.269	1.123	0.603**	1.563
	(0.146)	(0.218)	(0.178)	(0.189)	(0.126)	(0.235)	(0.202)	(0.140)	(0.749)
501+ employees	1.077	1.749	0.801	1.594	0.691	1.072	1.522	0.486	0.895
	(0.431)	(0.972)	(0.286)	(0.586)	(0.252)	(0.385)	(0.550)	(0.221)	(0.728)
Constant	2.855***	4.185***	1.374***	0.875	2.024***	0.475***	0.995	0.344***	0.0708***
	(0.355)	(0.598)	(0.156)	(0.0988)	(0.235)	(0.0547)	(0.111)	(0.0428)	(0.0237)

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. See Table B.13 for full language of each item. Ns range from 1,663 to 1,689 ("other" = 835, an outlier).

of employers with 11–500 employees were less likely than employers with one to ten employees to report that the call-up was at an inconvenient time (being an employer with 11–49 employees is significant at the 90-percent level, and being an employer with 50–99 and 100–500 employees are both significant at the 95-percent level). Employers with 100–500 employees were less likely than employers with one to ten employees to report that the business or senior leader being activated caused a problem (significant at the 95-percent level). Non-FR employers and public organizations were more likely than other employers to report some other aspect of service that contributed to business problems (significant at the 95-percent level). Overall, it seems that public organizations felt that there are multiple aspects of military absences that contribute to their business problems. Larger employers reported fewer issues than smaller employers (those with one to ten employees) with frequent absences and inconvenient call-up timing.

Exploring the responses for the "other" option, we again see multiple comments regarding the absence of key employees presenting additional hardships. It could be that, to mitigate hardship when RC members are activated, some employers are not promoting RC members to key roles. Some employers also mentioned that they were not sure whether absences are voluntary or mandatory and suspect that some employees are using their military duty to escape work obligations. Other employers mentioned that a lack of knowledge regarding the timing of employee return presents hardships (presumably in terms of planning and hiring a replacement); lack of advance notice was again mentioned. Multiple employers mentioned that, when their RC members returned to work, there were problems with readjusting to civilian life, particularly when the employees returned from duty injured.

Methods Used to Adapt to Absence

When asked regarding methods used to adapt to RC member absences, only 11 percent of employers reported suspending or delaying business operations; 12 percent reported allowing work to build up until their employees returned (see Table B.15). The most common method was dividing responsibilities among coworkers, with 86 percent reporting this. Reassignment of responsibilities to a single coworker (52 percent) and supervisors assuming responsibilities (59 percent) were also common methods. Fewer than half of employers reported hiring either temporary or permanent replacements.

Exploring the relationship between methods used to adapt to an RC member absence and employer characteristics, we included in a logistic regression model covariates for public, FR, the interaction between FR and public, and employer size (see Table B.16). We see that private FRs were less likely than other private (non-FR) employers to divide responsibilities among coworkers (significant at the 99-percent level) and to hire temporary replacements (significant at the 95-percent level). Public

Table B.15
Methods of Adapting to Absence (%)

Method	Yes	No	Don't Know
Reassigned responsibilities to a single coworker	52	46	2
Divided responsibilities among coworkers	86	13	1
Supervisors assumed responsibilities	59	38	3
Hired temporary replacements	39	60	1
Hired a permanent replacement and redistributed work when employee returned	24	74	3
Allowed work to build up until employee returned	12	86	3
Suspended or delayed business operations	11	87	3

NOTE: Margin of error ranges from ±0.6 percent to ±3.9 percent. Weighted Ns range from 32,538 to 33,033. Unweighted Ns range from 2,004 to 2,028.

non-FR employers were less likely than private non-FR employers to hire a permanent replacement (significant at the 99-percent level). This could be because public employers face hiring restrictions. Public employers (no longer controlling for the interaction term) were less likely than private employers to suspend business operations (significant at the 99-percent level); this may be because they are unable to close because of their public roles.

Employers with 100–500 employees were more likely than employers with one to ten employees to hire permanent replacements (significant at the 99-percent level; see Table B.16). Employers with 11–99 employees were less likely than employers with one to ten employees (the omitted category) to reassign responsibilities to a single coworker (significant at the 90-percent level or above). All other employer categories were less likely than employers with one to ten employees to have a supervisor assume responsibilities (significant at the 95-percent level or above). Employers with 11–500 employees were less likely than employers with one to ten employees to hire temporary replacements (significant at the 90-percent level or above).

Employers with 11–500 employees were less likely than employers with one to ten employees to suspend or delay business operations (significant at the 99-percent level or above; see Table B.16). Employers with 11–49 or 100–500 employees were less likely than employers with one to ten employees to allow work to build up until their employees returned (significant at the 95-percent level). Overall, larger employers were less likely than the smallest employers (those employing one to ten employees) to allow work to build up, to suspend or delay operation, or to burden single coworkers or supervisors with absent employees' responsibilities.

We reran the analysis described in Table B.16, including covariates for FR, federal employer, state or local employer, other public employer, and employer size (results not

Table B.16
Logistic Regression Model of the Likelihood That a Business Reports Using Certain Methods to Adapt to Absence of a Reserve Component Employee, Odds Ratios

Employer Characteristic	Reassigned, Single Coworker	Reassigned, Multiple Coworkers	Reassigned, Supervisor	Hired Temp	Hired Replacement, Redistributed	Build Up	Suspended or Delayed Business Operations
FR	0.394	0.0286***	1.579	0.132**	1.111	0.789	1.906
	(0.440)	(0.0264)	(1.574)	(0.118)	(1.047)	(0.263)	(0.771)
Public	1.265	1.155	0.961	1.025	0.453***	0.785	0.477***
	(0.202)	(0.248)	(0.151)	(0.157)	(0.0834)	(0.176)	(0.125)
Public × FR	2.452	45.80***	0.602	3.231	0.476	(Dropped)	(Dropped)
	(2.777)	(44.73)	(0.614)	(2.973)	(0.467)		
11–49 employees	0.776*	1.197	0.542***	0.758*	1.028	0.617**	0.363***
	(0.118)	(0.257)	(0.0860)	(0.115)	(0.184)	(0.142)	(0.0910)
50–99 employees	0.645**	0.952	0.565***	0.670**	1.123	0.796	0.173***
	(0.127)	(0.248)	(0.111)	(0.131)	(0.268)	(0.232)	(0.0720)
100–500 employees	1.012	1.244	0.552***	0.712*	1.737***	0.471**	0.293***
	(0.185)	(0.334)	(0.101)	(0.130)	(0.359)	(0.144)	(0.0965)
501+ employees	1.301	3.275	0.390**	0.757	1.269	0.559	(Dropped)
	(0.481)	(2.625)	(0.146)	(0.269)	(0.553)	(0.360)	
Constant	1.153	6.013***	2.504***	0.977	0.376***	0.218***	0.258***
	(0.131)	(0.965)	(0.301)	(0.109)	(0.0501)	(0.0335)	(0.0381)

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. Ns range from 1,625 to 1,685. See Table B.15 for full language of each item.

shown). We find that federal employers were more likely than private ones to divide responsibilities among coworkers (significant at the 99-percent level). FRs were less likely than non-FRs to hire temporary replacements and more likely to report having suspended or delayed business operations due to an absence (significant at the 99- and 90-percent levels, respectively). State and local employers were less likely than private employers to hire temporary or permanent replacements or suspend or delay business operations (significant at the 95-, 99-, and 95-percent levels, respectively). Other public employers were more likely than private employers to reassign responsibilities to single coworkers and less likely to hire permanent replacements or suspend or delay business operations (significant at the 95-, 99-, and 99-percent levels, respectively).

Interventions to Resolve Problems

Employers that reported having business problems resulting from the absence of an RC employee were asked the extent to which certain interventions had helped to resolve these problems (see Table B.17). The most commonly cited interventions reported as helping to resolve business problems to a very large, large, or moderate extent were that the HR or legal department resolved the dispute and that the RC employee left the business.

Reserve Component Member Problems upon Return

Employers with RC employees were asked whether, in the previous 36 months, any of these employees had returned from military duty with certain problems (see Table B.18). Only 2 percent reported substance-abuse problems, and 2 percent reported increased risk-taking at work. Twelve percent of employers reported that their returned employees had increased stress or emotional problems, while 8 percent said that these employees had increased difficulty interacting with customers or coworkers. Four percent reported that their employees had service-related disabilities that required accommodations at work. Forty-eight percent of employers that reported problems upon return from service said that those employees were seeking professional help (results not shown).

Examining those employers that cited more than one problem, we find that 6 percent reported both increased difficulty interacting with customers or coworkers and increased stress or emotional problems. Less than 1 percent responded yes to all five problems. Fifteen percent of employers, however, responded yes to one or more of the five problems (results not shown).

The pattern of responses from federal RC employers is somewhat different from that reflected in Table B.18. The fraction of federal employers reporting that RC mem-

Table B.17
Methods of Resolving Business Problems (%)

Method	Not at All	Small Extent	Moderate Extent	Large Extent	Very Large Extent	Not Applicable
The HR or legal department resolved the dispute.	19	8	7	5	3	58
The business contacted the employee's military commander.	34	8	4	1	1	53
The business received assistance from ESGR.	37	5	3	1	1	54
A case was filed with DOL.	38	1	1	0	0	60
The business contacted SBA.	39	0	0	0	0	60
The business sought advice from a lawyer or attorney.	34	6	3	1	1	56
The National Guard or Reserve employee left the business.	38	4	2	1	3	53
The business sought advice from OSC.	39	1	1	0	0	59
Other[a]	29	0	1	0	1	69

NOTE: Margin of error ranges from ±0.2 percent to ±4.3 percent. Weighted Ns range from 32,618 to 32,928 ("other" = 18,260, an outlier). Unweighted Ns range from 2,012 to 2,026 ("other" = 1,129, an outlier). SBA = U.S. Small Business Administration.

[a] The responses for the "other" option indicated occasional problems when employers contacted military supervisors or ESGR for help or information regarding USERRA and their employees' schedule or responsibilities.

Table B.18
Problems upon Return from Duty (%)

Problem	Yes	No	Don't Know
Substance abuse that interferes with performance (e.g., alcohol, drugs)	2	75	23
Increased difficulty interacting with customers or coworkers (e.g., easier to anger, less helpful)	8	73	19
Increased risk-taking at work (e.g., less likely to follow safety precautions)	2	77	20
A military service–related disability requiring changes to the employee's workstations, tasks, or routines	4	79	17
Increased stress or emotional problems	12	61	27

NOTE: Margin of error ranges from ±0.4 percent to ±1.6 percent. Weighted Ns range from 116,512 to 116,846. Unweighted Ns range from 6,839 to 6,871.

bers returning from activation had problems with substance abuse, service-related disabilities, or increased stress was more than twice as high as for state or local, other public, and private or nonprofit employers combined.[6] Four percent of federal RC employers reported substance-abuse problems, and 1.1 percent reported increased risk-taking at work. Nearly 23 percent of federal RC employers reported that their returned employees had increased stress or emotional problems, while approximately 15 percent said that these employees had increased difficulty interacting with customers or coworkers. Roughly 11 percent reported that their employees had service-related disabilities that required accommodations at work (results not shown).

Helpful Measures for Business

All respondents were asked which of the following measures would be most helpful for their businesses (if they had no RC members as employees, imagining they had at least one RC member; see Table B.19). Twenty-five percent of RC employers and 27 percent of non-RC employers said that none of the options would be helpful. Sixteen percent of RC employers and 26 percent of non-RC employers said that providing replacement assistance for job vacancies would be useful. Twenty percent of RC employers and 19 percent of non-RC employers reported that they would have liked an incentive to at least partially reimburse employer expenses. Seventeen percent of RC employers and 16 percent of non-RC employers reported preferring an incentive for hiring RC

Table B.19
Helpful Measures for Business (%)

Measure	RC Employer	Non-RC Employer
An incentive for hiring a National Guard or Reserve employee	17	16
Providing replacement assistance for job vacancies	16	26
Opportunity to reschedule military duty to a more manageable time	21	13
An incentive providing partial reimbursement of employer expenses, such as a tax incentive, grant, or low-interest loan	20	19
None of these measures would be helpful for my business.	25	27

NOTE: Margin of error ranges from ±1.2 percent to ±4.1 percent. Ns for RC employers: weighted = 162,533; unweighted = 9,225. Ns for non-RC employers: weighted = 6,968,264; unweighted = 864.

[6] We tested (using an F-test method) the difference in proportions reported by federal versus other employers. For substance abuse, the difference was statistically significant at the 90-percent level; for service-related disability, the difference was statistically significant at the 99-percent level; and, for increased stress or emotional problems, the difference was statistically significant at the 99-percent level (results not shown).

member employees. Twenty-one percent of RC employers and 13 percent of non-RC employers said they would have liked to be able to reschedule military duty.

We explored responses to this question by employer characteristic for RC employers in a multinomial logistic regression (used for categorical variables with more than two categories) to see the likelihood of reporting that the measure would be helpful compared with reporting that none of the measures would be helpful (see Table B.20). Coefficients are reported in odds ratios and should be interpreted as the likelihood that a category of business thinks that measure would be helpful compared with none of the listed measures being helpful. We see that public non-FR organizations were less likely to think that an incentive for hiring or an incentive that reimburses expenses would

Table B.20
Multinomial Regression Model of the Likelihood That a Business Feels That Certain Measures Would Be Helpful, Odds Ratios

Employer Characteristic	An Incentive for Hiring a National Guard or Reserve Employee	Providing Replacement Assistance for Job Vacancies	Opportunity to Reschedule Military Duty to a More Manageable Time	An Incentive Providing Partial Reimbursement of Employer Expenses, Such as a Tax Incentive, Grant, or Low-Interest Loan
FR	0.781	0.355	0.555	0.737
	(0.437)	(0.268)	(0.349)	(0.360)
Public	0.477***	0.921	0.901	0.483***
	(0.0609)	(0.105)	(0.0983)	(0.0559)
Public × FR	1.061	1.664	1.242	1.829
	(0.632)	(1.292)	(0.809)	(0.948)
11–49 employees	1.012	0.921	1.200*	1.051
	(0.112)	(0.103)	(0.127)	(0.108)
50–99 employees	0.922	0.832	1.298**	0.899
	(0.126)	(0.114)	(0.163)	(0.115)
100–500 employees	0.866	0.807	1.201	0.782**
	(0.110)	(0.106)	(0.146)	(0.0939)
501+ employees	0.543**	0.786	1.435	0.691
	(0.135)	(0.194)	(0.315)	(0.160)
Constant	0.840**	0.721***	0.749***	1.012
	(0.0679)	(0.0582)	(0.0603)	(0.0774)

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. Baseline category is reporting "none of these measures would be helpful for my business." N = 7,955.

be helpful (significant at the 99-percent level; second and fifth columns of Table B.20) compared with private non-FR employers and controlling for FR, the interaction between public and FR, and employer size. The largest employers (501 employees or more) were less likely than employers with one to ten employees to find an incentive for hiring helpful (significant at the 95-percent level; second column). Larger employers (100–500 employees) were less likely (significant at the 95-percent level; fifth column) than employers with one to ten employees to select a reimbursement incentive as helpful compared with selecting "none of these measures would be helpful." Employers with 11–49 and 50–99 employees were more likely than employers with one to ten employees (significant at the 95-percent and 90-percent levels, respectively; fourth column) to think that rescheduling military duty would be helpful.

We replicated the analysis presented in Table B.20, including covariates for FR, federal, state or local, other public employers, and size (results not shown). We find that FRs were less likely than non-FRs to think that providing replacement assistance for job vacancies and rescheduling duty to a more manageable time would be more helpful than that none of these measures would be helpful (significant at the 99- and 95-percent levels, respectively). FRs were more likely than non-FRs to think that partial reimbursement of employer expenses would be more helpful than having none of these measures (significant at the 90-percent level). Federal employers were less likely to think that a partial reimbursement incentive would be helpful (significant at the 99-percent level) than that none of these measures would be helpful, compared with private employers and controlling for FR, public employer types, and employer size. State and local employers were less likely to think that an incentive for hiring RC members would be helpful (significant at the 99-percent level) than that none of these measures would be helpful, compared with private employers and controlling for FR, public employer type, and employer size. Other public employers were less likely to think that an incentive for hiring RC members would be helpful or that partial reimbursement incentives would be helpful (significant at the 99-percent level) than to report that none of these measures would be helpful, compared with private employers and controlling for FR, public employer type, and employer size.

Employers were asked to write in suggestions for additional measures that would be helpful for their businesses, and 4,781 employers provided responses to this question. Many used the write-in suggestion box to emphasize and elaborate on the options provided in the survey. Employers cited a need to plan for employee absences and thus a need to know when individuals would leave and when they would return: "The best help would be knowing a definite return to work date that would allow us to plan how to cover the absence in the most efficient manner." Of the 4,781 responses, 714 emphasized the importance of advance notice of military duty, although the length of that notice varied from one week to one year, with many requesting "as much advance notice as possible." One hundred seventy-three responses mentioned the importance of a known return date and advance notification of the RC member's return or changes

to the original return date. Many of the comments on these two topics highlighted frustration with changes to original schedules. Several employers mentioned that units send out annual drill schedules but then do not keep to them. Others highlighted deployments being canceled or time frames being shifted. A related but less frequently mentioned suggestion was for military members to confirm their intent to return to work when they leave for duty.

These responses regarding advance notification of the absence were often combined with a suggestion that the notification be provided to the employer directly by DoD, ideally in a standard format that could be understood by employers and could be used DoD-wide. Overall, 135 respondents highlighted the need for direct notification. This suggestion appeared to respond to different concerns, depending on the employer. Some seemed to require the documentation for administrative or benefit-management reasons. Others wanted DoD to notify them because employees did not or could not notify employers (as in the case of notification of changes to the return date). Other employers did not trust all employees and wanted to be able to verify claims of military duty. One employer specifically requested documentation from DoD as to whether the duty counted under the five-year USERRA limit. Several employers requested documentation as to whether the duty was voluntary.

Flexible scheduling, emphasizing an opportunity for employers to influence the timing of leave (both annual training and deployments), was mentioned in 147 responses. School systems mentioned concerns regarding the deployment of teachers and its influence on students and on the school system. Among the suggestions from school systems was to schedule annual training during the summer or other school breaks and to align deployments with the school schedule to the extent possible. Several employers, many of them small, requested that DoD limit the number of employees who could be deployed at any one time from a single employer. Employers that require workers to work weekends indicated a preference for drill duty during weekdays. Seasonal employers would like to be able to arrange for training duty to occur during quieter times of the year. Schools, for example, might benefit from having teachers deployed for an entire school year, rather than returning midway through the year and having to bump the replacement teacher. Others mentioned waiting until after state tests have been given. Assistance with replacement workers was mentioned by 167 employers. Some employers suggested that DoD should provide replacement workers when reservists are activated, while others were seeking assistance in identifying replacements. Several employers suggested a pool of new veterans. A few employers suggested providing employers with a list of RC members in the area who are seeking employment so they could hire them to temporarily fill the positions while their employees are on military leave. The issue of absences of key employees (e.g., those in management positions) presenting particular challenges for employers recurred in these responses.

For longer absences, some employers would like periodic updates on the status of their employees, an ability to contact or communicate with the employees during deployment (on both personal and work-related issues), and confirmation and updates regarding expected return dates to employment.

Two hundred fifty-six employees mentioned some sort of financial benefit that would be useful for their businesses. The suggested format varied widely, depending on the nature of the employer organization. Some employers mentioned tax incentives, while others noted that tax incentives would not be useful for their organizations because they are government or nonprofit organizations. Several government organizations mentioned that grants to cover certain expenses would be useful. Municipal governments cited the burden that extended and frequent duty-related absences pose for local taxpayers. Reimbursement for hiring, training, or retraining costs was mentioned. Several employers mentioned the costs associated with unemployment insurance that stem from the need to hire temporary replacement workers and then let them go when their RC members return. Some suggested that employers should be reimbursed for these costs and the cost of severance packages for replacement workers.

Tax incentives would not benefit nonprofits or government agencies, as some employers pointed out in their comments. Small businesses said that, because of their size, every employee is a key employee.

Usefulness of Information

Employers were asked to rate the usefulness of various options designed to help them understand the military duties of their employees (see Table B.21). More than 50 percent of both RC and non-RC respondents said that official notification of activation orders, longer activation notice time, and having employees provide copies of their activation orders would be largely or very useful.

One of the other options that employers wrote in as also being useful in understanding their employees' military duties was receiving orders in a timely fashion and in plain language that would be easier for the employer to understand. Employers would also like notification of the approximate date the employees would return to work. Many suggested a website rather than printed materials or a phone hotline; a website that allows employers to check on their employees and see expected dates of return would be helpful, though this might present security issues.

All employers were asked to which of the following sources they would turn for information on business rights and responsibilities related to RC employees (see Table B.22). Sixty-three percent of RC employers and 72 percent of non-RC employers reported that they would seek assistance from ESGR. Sixty percent of RC employers and 63 percent of non-RC employers said they would seek help from DOL.

Table B.21
Usefulness of Options for Improving Employers' Understanding of Military Duties (%)

Option	Not at All	Moderately	Somewhat	Largely	Very
RC employers					
An information packet explaining the National Guard and Reserve mission and responsibilities to employers	19	15	25	14	28
Having the member provide a copy of his or her activation orders	9	8	13	17	52
Periodic briefings or reports to employers by military commanders	28	18	26	12	16
A toll-free information line for employers	19	15	25	17	25
Longer activation notification time	11	10	22	24	33
Official notification of activation orders from the services	11	9	18	21	40
Other	70	5	14	3	8
Non-RC employers					
An information packet explaining the National Guard and Reserve mission and responsibilities to employers	22	11	19	16	32
Having the member provide a copy of his or her activation orders	18	10	17	17	37
Periodic briefings or reports to employers by military commanders	29	16	25	14	16
A toll-free information line for employers	21	11	24	19	24
Longer activation notification time	15	7	22	26	31
Official notification of activation orders from the services	18	10	21	22	30
Other	66	7	10	2	16

NOTE: Margin of error ranges from ±0.8 percent to ±8.8 percent. Ns for RC employers range from 162,555 to 164,748 ("other" = 47,764, an outlier) (weighted) and 9,280 to 9,405 ("other" = 2,798, an outlier) (unweighted). Ns for non-RC employers range from 6,662,910 to 6,784,519 ("other" = 1,748,457, an outlier) (weighted) and 836 to 849 ("other" = 210, an outlier) (unweighted).

Prescreening

All employers were asked whether prescreening (e.g., credit checks, criminal background checks, security clearance, drug screening) of RC employees would be helpful to their businesses (see Table B.23). Most employers (both RC and non-RC) reported

Table B.22
Employers' Sources of Information About Responsibilities (%)

Source	No	Yes
RC employers		
Military command	67	33
ESGR	37	63
Lawyer	59	41
DOL	40	60
Other websites	43	57
Non-RC employers		
Military command	64	36
ESGR	28	72
Lawyer	69	31
DOL	37	63
Other websites	40	60

NOTE: Margin of error ranges from ±1.6 percent to ±4.5 percent. Ns for RC employers range from 166,915 to 167,002 (weighted) and 9,543 to 9,545 (unweighted). Ns for non-RC employers range from 7,023,156 to 7,027,537 (weighted) and 869 to 870 (unweighted).

Table B.23
Helpfulness of Prescreening (%)

Screen	Not at All	Small Extent	Moderate Extent	Large Extent	Very Large Extent	Not Applicable
RC employers						
Background checks	14	10	17	19	30	10
Drug screening	14	9	15	18	33	12
Non-RC employers						
Background checks	6	8	18	20	28	22
Drug screening	6	7	12	19	33	24

NOTE: Margin of error ranges from ±0.9 percent to ±4.3 percent. Ns for RC employers: weighted = 165,025 for background checks and 166,344 for drug screening; unweighted = 9,491 for background checks and 9,434 for drug screening. Ns for non-RC employers: weighted = 6,988,250 for background checks and 6,969,937 for drug screening; unweighted = 865 for background checks and 863 for drug screening. "Not applicable" indicates that the business does not use this screening method.

Table B.24
Reserve Component Employers' Attitudes Toward Reserve Component Employees (%)

Attitude	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree
The training and experience received by a National Guard or Reserve member makes that person a more valuable employee for my business.	1	2	27	37	34
National Guard and Reserve employees in my business are good team players.	1	2	18	42	37
Overall I am satisfied with National Guard and Reserve employees in my business.	1	1	12	46	40
Employing National Guard and Reserve employees is challenging because of their military obligations.	7	19	33	29	11

NOTE: Margin of error ranges from ±0.2 percent to ±1.9 percent. Weighted Ns range from 121,739 to 122,028. Unweighted Ns range from 7,172 to 7,193.

finding both background checks and drug screenings valuable to a moderate, large, or very large extent.

Employers' Perceptions of Reserve Component Members

Most RC employers reported agreeing or strongly agreeing that RC members are good team players and that the training and experience RC members receive make them more-valuable employees. Forty-one percent reported that they felt that employing RC members is challenging because of the employees' military obligations. Employers answering this series of questions were restricted to those who reported employing at least one RC member in the previous 36 months. Overall, 86 percent of these employers reported being satisfied with their RC employees (see Table B.24).

For those employers that reported having RC employees in the previous 36 months, the survey asked them to compare the RC employee with other employees on a variety of dimensions (see Table B.25). The most frequent response on all dimensions is "about the same," but many more employers said that RC employees are better or a lot better than reported a negative answer.

In Table B.26, we use ordinary least squares (OLS) regression to report how RC employers view RC employees compared with other employees. We averaged the responses to all of the comparison items (assigning a point value of 1–5 for each response, where 1 was assigned to "a lot worse" and 5 to "a lot better"). Employers

Table B.25
Reserve Component Employers' Comparisons of Reserve Component Employees with Others, Frequencies (%)

Employee Characteristic	A Lot Worse	Worse	About the Same	Better	A Lot Better
Organizational skills	0	1	46	38	15
Communication skills	0	2	51	34	13
Management skills	0	2	53	31	13
Technical skills	0	1	51	36	13
Leadership skills	0	2	41	39	19
Teamwork skills	1	2	33	43	21
Dependability	1	2	36	36	25
Initiative	0	2	44	35	18

NOTE: Margin of error ranges from ±0.1 percent to ±2.0 percent. Weighted Ns range from 120,430 to 120,920. Unweighted Ns range from 7,091 to 7,114.

with more than one to ten employees were less likely than other employers to view RC employees favorably compared with non-RC employees (coefficients statistically significant at the 95- and 99-percent levels [significance level varies by size category]).

We replicated the analysis presented in Table B.26, including covariates for FR, federal, state or local, other public, and employer size and excluding the interaction term shown above. We find that FRs were more likely than non-FRs to view RC employees favorably compared with non-RC employees, controlling for types of public employers and employer size (significant at the 90-percent level). Federal employers were more likely than private employers to view RC employees favorably compared with non-RC employees (statistically significant at the 95-percent level; results not shown but available upon request).

Employer Perspectives on USERRA

Information About Laws and Compliance

Eighty-four percent of RC employers and 56 percent of non-RC employers reported being aware of federal, state, or local laws that protect RC members in their civilian jobs (results not shown). Seventy-two percent of RC employers and 36 percent of non-RC employers reported that they were aware of policies set by their businesses that protect these workers (results not shown). However, 26 percent of RC employers and 46 percent of non-RC employers indicated that they do not know everything they need to know to remain in compliance (see Table B.27). Eighteen percent of RC

Table B.26
Comparing Reserve Component Employees with Others, by Employer Characteristic, Ordinary Least Squares Regression

Employer Characteristic	Average Score on All Comparison Items
FR	0.204
	(0.157)
Public	0.0408
	(0.0284)
Public × FR	–0.163
	(0.162)
11–49 employees	–0.0715**
	(0.0282)
50–99 employees	–0.132***
	(0.0327)
100–500 employees	–0.153***
	(0.0304)
501+ employees	–0.180***
	(0.0488)
Constant	3.762***
	(0.0221)

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$. N = 6,037.

employers and 40 percent of non-RC employers said they did not know where to go when they need help fulfilling their USERRA responsibilities. Fifty-six percent of RC employers and 43 percent of non-RC employers reported knowing that ESGR is a valuable resource for USERRA compliance. Fewer non-RC employers than RC employers reported knowledge of these three aspects of USERRA.

Restricting to employers that employ RC members, we analyzed responses by employer characteristic in a logistic regression model of the likelihood that a business would disagree with statements about law and compliance with USERRA.[7] Public non-FR employers were significantly less likely (at the 99-percent level) to disagree or strongly disagree with the three statements regarding compliance than were private or nonprofit non-FR employers, controlling for FR, the interaction between public and FR, and size (see Table B.28). Employers in all size categories larger than one to ten

[7] More detail regarding firm characteristics was provided for RC employers than for non-RC employers.

Table B.27
Employers' USERRA Knowledge (%)

Knowledge Level	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree
RC employers					
I know everything I need to remain in compliance with USERRA.	8	18	31	32	11
I know where to go when I need help fulfilling my responsibilities under USERRA.	6	12	17	42	23
I know that ESGR is a valuable resource for finding the best way for my business to comply with USERRA.	5	9	31	38	18
Non-RC employers					
I know everything I need to remain in compliance with USERRA.	21	25	32	15	7
I know where to go when I need help fulfilling my responsibilities under USERRA.	18	22	27	25	9
I know that ESGR is a valuable resource for finding the best way for my business to comply with USERRA.	12	10	35	29	14

NOTE: Margin of error ranges from ±0.7 percent to ±4.3 percent. Ns for RC employers range from 166,029 to 166,500 (weighted) and 9,486 to 9,506 (unweighted). Ns for non-RC employers range from 6,836,032 to 6,904,023 (weighted) and 845 to 852 (unweighted).

employees were also less likely than employers with one to ten employees to disagree for all three statements (significant at the 90-percent level or above). Overall, small employers and private employers were more likely to say they do not have the knowledge to remain in compliance with USERRA and are not aware of ESGR or where to go for information on USERRA.

We replicated the analysis presented in Table B.28, including covariates for FR, federal, state or local, other public, and employer size (results not reported here but available on request). We find that FRs were significantly more likely (at the 95- and 90-percent levels, respectively) to disagree or strongly disagree with the first two statements regarding compliance than non-FRs, controlling for federal, state or local, other public, and size. State and local employers were significantly less likely (at the 99- and 95-percent levels, respectively) to disagree or strongly disagree with the last two statements regarding compliance than were private employers, controlling for federal, FR, other public, and size. Other public employers were significantly less likely (at the 99-percent level) to disagree or strongly disagree with all three statements regarding compliance than were private employers, controlling for federal, state or local, FR, and size.

Table B.28
Logistic Regression Model of the Likelihood That a Business Disagrees with Statements About the Law and Compliance with USERRA, Odds Ratios

Employer Characteristic	Disagree with Statement: "I Know Everything I Need to Remain in Compliance with USERRA."	Disagree with Statement: "I Know Where to Go When I Need Help Fulfilling My Responsibilities Under USERRA."	Disagree with Statement: "I Know That ESGR Is a Valuable Resource for Finding the Best Way for My Business to Comply with USERRA."
FR	0.961	1.208	0.470
	(0.417)	(0.551)	(0.342)
Public	0.672***	0.575***	0.612***
	(0.0580)	(0.0601)	(0.0720)
Public × FR	1.242	1.047	2.538
	(0.565)	(0.509)	(1.907)
11–49 employees	0.868*	0.824**	0.850*
	(0.0653)	(0.0667)	(0.0809)
50–99 employees	0.687***	0.480***	0.670***
	(0.0671)	(0.0552)	(0.0848)
100–500 employees	0.447***	0.267***	0.469***
	(0.0422)	(0.0333)	(0.0580)
501+ employees	0.297***	0.0963***	0.457***
	(0.0671)	(0.0330)	(0.107)
Constant	0.486***	0.384***	0.225***
	(0.0266)	(0.0223)	(0.0151)

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. Ns range from 8,151 to 8,165.

Information About USERRA

Employers were asked to rank whether certain sources of information about USERRA would be helpful or not (see Table B.29). Some of the least helpful sources reported for both RC and non-RC employers were a workshop with an ESGR trainer and other business owners, a visit from an ESGR trainer, and training available on DVD. Web training was ranked as somewhat more helpful. More than 60 percent of employers (for both RC and non-RC) reported that a fact sheet on the web would be largely or very helpful; 57 percent of RC employers and 56 percent of non-RC employers reported that a call center to answer questions would be largely or very helpful. An ESGR employer

Table B.29
Employers' Sources of USERRA Information (%)

Source	Not at All Helpful	Moderately Helpful	Somewhat Helpful	Largely Helpful	Very Helpful
RC employers					
Training available on DVD	17	16	32	18	17
Training available on the web	9	10	25	29	28
Call center to answer questions	7	10	27	31	26
Fact sheet on the web	5	7	22	34	33
Visit from ESGR trainer	28	24	29	12	9
ESGR employer resource guide	8	12	28	29	22
Workshop with ESGR trainer and other business owners	29	23	28	13	9
Non-RC employers					
Training available on DVD	22	18	26	15	18
Training available on the web	14	12	22	28	24
Call center to answer questions	10	9	25	29	27
Fact sheet on the web	9	6	20	32	33
Visit from ESGR trainer	30	23	25	12	10
ESGR employer resource guide	12	14	26	27	22
Workshop with ESGR trainer and other business owners	30	22	26	13	10

NOTE: Margin of error ranges from ±0.6 percent to ±4.3 percent. Ns for RC employers range from 163,258 to 164,037 (weighted) and 9,336 to 9,380 (unweighted). Ns for non-RC employer range from 6,743,067 to 6,841,291 (weighted) and 842 to 850 (unweighted).

resource guide was reported to be largely or very helpful by 29 percent of RC employers and 49 percent of non-RC employers.

Fifty-three percent of RC employers and 45 percent of non-RC employers reported that they would have liked information about USERRA upon request, while 16 percent of RC employers and 17 percent of non-RC employers reported that they preferred to receive information when an employee must be absent for military duty. Eleven percent of RC employers and 30 percent of non-RC employers reported that their businesses had no need for information or training about USERRA, and 20 percent of RC

employers and 8 percent of non-RC employers reported that they would like yearly information or training (results not shown).

Employer Perspectives on ESGR

Programs

All employers were asked whether they were aware of a list of programs for RC employers (see Table B.30). Few non-RC employers (less than 10 percent) reported that they were aware of the programs; the Yellow Ribbon program seemed to be the best known, compared with the unit mission ceremony, military installation visit, the boss lift, and lunch or breakfast with the boss. More RC employers reported having participated in these programs and were somewhat more frequently aware of them. More than 40 percent of RC employers reported that they were still unaware of all programs, compared with more than 50 percent of non-RC employers for all programs except "other." More RC employers reported that they were aware of the Yellow Ribbon program (15 percent), compared with the unit mission ceremony (13 percent), military installation visit (15 percent), the boss lift (12 percent), and lunch or breakfast with the boss (10 percent).

Employers seemed interested in learning more regarding these programs, with some respondents writing in the "other" comments that they wanted additional information. Other employers cited other programs, such as welcome-home ceremonies, the Patriot Award, the Above and Beyond Award, and a regimental dinner.

Statement of Support

Ninety-one percent of non-RC employers reported that they were not aware of the Statement of Support (SOS) for National Guard and Reserve members provided by ESGR, while 65 percent of employers that employed RC members reported that they were not aware of the SOS. Twenty-one percent of RC employers reported displaying a signed SOS, compared with 3 percent of non-RC employers (results not shown).

Contact with Military Supervisor or ESGR

RC employers were asked whether they had any contact with their RC employees' military supervisor or commander in the previous 36 months. Seventeen percent reported that their businesses had contact, 58 percent reported no contact, and 25 percent were unsure (results not shown). Sixteen percent reported that they had had contact with ESGR in the previous 36 months by letter or brochure; 10 percent reported that they had visited the ESGR website. Most RC employers, however, reported no contact with ESGR through these means or reported not knowing whether contact had occurred (see Table B.31).

Multiple employers mentioned in their comments for "other" that the survey was the first time they had heard of or had contact with ESGR. One employer suggested

Table B.30
Employers' Awareness of Programs for Employers (%)

Awareness	Unit Mission Ceremony	Military Installation Visit	Boss Lift	Yellow Ribbon Program Activities	Lunch or Breakfast with the Boss	Other
RC employers						
Yes, and my business has participated in this program in the previous 36 months	4	4	3	4	2	1
Yes, but my business has not participated in this program in the previous 36 months	10	11	9	12	8	5
No, my business was unaware of this program	47	47	49	47	50	44
I do not know whether my business is aware of this program	39	38	39	38	39	50
Non-RC employers						
Yes, and my business has participated in this program in the previous 36 months	1	1	1	2	1	1
Yes, but my business has not participated in this program in the previous 36 months	7	6	5	7	6	4
No, my business was unaware of this program	55	57	56	54	56	50
I do not know whether my business is aware of this program	37	36	38	37	38	45

NOTE: Margin of error ranges from ±0.4 percent to ±6.5 percent. Ns for RC employers range from 163,728 to 164,759 ("other" = 85,276, an outlier) (weighted) and 9,359 to 9,407 ("other" = 4,844, an outlier) (unweighted). Ns for non-RC employers range from 6,824,283 to 6,837,071 ("other" = 3,508,657, an outlier) (weighted) and 843 to 846 ("other" = 413, an outlier) (unweighted).

that ESGR should be listed as a resource on the employer's copy of military orders. Other employers said they had had contact with ESGR through receipt of an award (such as the Pro Patria Award) or through ESGR breakfasts or lunches. A few employers mentioned that their contact with ESGR had been unsatisfactory and did not prove helpful.

Table B.31
ESGR Contact (%)

Contact Method	Yes	No	Don't Know
Letter or brochure	16	51	33
Email	8	59	33
ESGR website	10	58	32
ESGR call center	4	64	33
Telephone contact, other than with the call center	8	60	32
ESGR visit to your location	5	65	29
Conference, trade show, or work fair	4	66	30
Other	2	59	38

NOTE: Margin of error ranges from ±0.6 percent to ±2.4 percent. Weighted Ns range from 119,470 to 120,472 ("other" = 74,320, an outlier). Unweighted Ns range from 7,022 to 7,084 ("other" = 4,359, an outlier).

Awards

RC employers were asked whether their businesses had received any awards in the previous 36 months for the support provided to RC employees (see Table B.32). Less than 5 percent reported that they had received any of the awards, with the exception of the Patriot Award, which 5 percent reported receiving. At least one-quarter of employers reported that they were unsure whether their businesses had received the award for all awards listed.

Other awards mentioned include having flags flown for their companies, receiving top 100 or top 50 veteran-friendly employer status, and appreciation plaques. Many employers wrote in that they believed that their companies had awards but were unsure of exactly what the awards were.

Employer Perspectives on Hiring Reserve Component Members

All employers were asked whether, during the hiring process, applicants are asked about their National Guard and Reserve status. Twenty-one percent of RC employers and 15 percent of non-RC employers reported that applicants are asked whether they are members. Sixty-nine percent of RC employers and 72 percent of non-RC employers reported that they do not ask, and 10 percent of RC employers and 13 percent of non-RC employers reported that they were unsure (results not shown).

Employers were then asked whether they preferred to hire National Guard and Reserve members, all else being equal; most employers (83 percent of RC employers

Table B.32
Awards Received (%)

Award	Yes	No	Don't Know
Secretary of Defense Employer Support Freedom Award	2	71	27
Employer Above and Beyond Award	4	70	26
Seven Seals Award	1	73	27
Patriot Award	5	68	27
Pro Patria Award	1	72	27
Freedom Award nomination	2	71	27
Media recognition	3	71	26
Some other award	3	67	30

NOTE: Margin of error ranges from ±0.2 percent to ±2.1 percent. Weighted Ns range from 117,793 to 118,562 ("some other award" = 88,459, an outlier). Unweighted Ns range from 6,926 to 6,977 ("some other award" = 5,250, an outlier).

and 88 percent of non-RC employers) reported having no preference. Seventeen percent of RC employers reported that they preferred to hire RC members, compared with 12 percent of non-RC. This difference is statistically significant at the 99-percent level, indicating that those who are familiar with hiring and working with RC members are significantly more likely to prefer to hire them than those who have not worked with RC members (results not shown).

Written Policies

All survey respondents were asked whether their businesses' written employment policies describe how to accommodate the military responsibilities of RC employees. Sixty-two percent of RC employers responded that their policies describe this, compared with 17 percent of non-RC employers. Twenty-two percent of RC employers and 58 percent of non-RC employers reported that their policies do not describe this. Sixteen percent of RC employers and 26 percent of non-RC employers reported that they did not know (results not shown).

Support and Benefits

Eighty-six percent of RC employers and 75 percent of non-RC employers reported that they would provide flexible hours to accommodate military duty if they had RC employees. Fifty-four percent of RC employers and 25 percent of non-RC employers reported that they would continue to pay employee benefits, and 51 percent of RC employers and 24 percent of non-RC employers reported that they would continue health benefits for employees absent more than one month. Fewer employers reported

that they would continue payment of employee salaries, provide support to families, or provide some other form of support. Many employers did not feel that the form of support applied to them and marked "does not apply (N/A)" (see Table B.33). More RC employers than non-RC reported that they would provide support for all categories.

Other support that employers reported that they would or did provide to RC employees was accrual of vacation and sick leave as if those members were working, honoring members' service by displaying a wreath or other notice, and helping families of employees if needed.

Table B.33
Employer Support to Reserve Component Employees (%)

Type of Support	Yes	No	N/A
RC employers			
Flexible hours to accommodate military duty	86	7	7
Continued payment of employee salaries (full, part, differential) when they are absent for military duty	38	49	13
Continued payments for employee benefits (e.g., life insurance, pension)	54	29	17
Support to members' families (e.g., continued education, child care, or housing benefits)	17	49	34
Continued health benefits for employees who are absent for military duty for more than one month	51	31	18
Other	14	28	58
Non-RC employers			
Flexible hours to accommodate military duty	75	8	17
Continued payment of employee salaries (full, part, differential) when members are absent for military duty	16	55	29
Continued payments for employee benefits (e.g., life insurance, pension)	25	38	38
Support to members' families (e.g., continued education, child care, or housing benefits)	14	44	42
Continued health benefits for employees who are absent for military duty for more than one month	24	38	39
Other	12	18	70

NOTE: Margin of error ranges from ±0.7 percent to ±8.1 percent. Ns for RC employers range from 159,154 to 162,825 ("other" = 54,102, an outlier) (weighted) and 9,077 to 9,294 ("other" = 3,175, an outlier) (unweighted). Ns for non-RC employers range from 6,712,412 to 6,872,050 ("other" = 2,036,154, an outlier) (weighted) and 817 to 844 ("other" = 232, an outlier) (unweighted).

Feedback Regarding Survey

Some employers chose to give additional feedback at the end of the survey. A common theme was that it was challenging to respond accurately to the questions because the answer would depend on whether the employee was in a key position or not (or whether the employee was full or part time, depending on the employer). Others asked for more information about USERRA and ESGR. The importance of giving enough notification prior to military absences and providing paperwork regarding orders was emphasized again by multiple respondents, as were mandatory versus voluntary absences and how employers can distinguish between the two.

Conclusions

Overall, we find that each type of employer—small, large, public, or FR—encountered specific challenges and had preferences regarding RC absences. Some general trends emerged, however, and we first present a brief summary of the results for all employers and then explore the different results that we found for each type of employer.

Overview

Employers were split in their preferences between shorter, more-frequent absences and longer, less frequent absences; this likely depends on their business model and industry. Most employers preferred training directly prior to deployment (the contiguous-training model) and felt that one year of absence for every five years would be bad for their business. For many RC employers, even short absences meant hiring a replacement. Non-RC employers seemed less able to cope with hypothetical absences of employees; this could be because they are not used to dealing with such absences or because their business models make RC absences especially difficult.

RC employees seemed to provide notice further in advance for longer absences, but the issue of providing adequate notice came up frequently in comments. Employers reported preferring more notification time as the length of absence increased, probably to allow for additional planning. Many employers commented that they would like to know the expected return date of their employees. Employers also commented that written notice should be provided in a simple, intelligible format and that the notice should be given a specified number of days in advance of an absence. In addition, a periodically updated website where employers could check on their absent employees and see expected return dates was cited as being potentially helpful.

Most employers that had experienced an absence said this caused disruptions in work scheduling. The most-common types of problems grouped into replacement issues, increased workload and disruptions, and problems with clients; nearly 30 percent of respondents reported issues in all three groupings. Length and frequency of

absence were the aspects of RC service that caused the most hardship for employers. The most common way that employers reported dealing with the absence was dividing responsibilities among coworkers.

Regarding knowledge of USERRA, many employers reported not knowing enough to be compliant or not knowing where to find information. When a dispute occurred between the employer and employee, most employers' legal or HR department resolved the dispute; in many cases, the RC employees left the employers. Employers commented on occasional problems with ESGR or with finding information regarding USERRA responsibilities. Many employers liked the idea of a call center that they could contact with USERRA questions; fewer felt that in-person visits or workshops would be helpful. Many employers were not aware of ESGR programs and of the SOS, and most had not had recent contact with ESGR or their employees' military supervisors.

Employers reported noticing occasional problems when employees return from service and readjust to civilian life, including increased stress, emotional problems, and issues interacting with customers and coworkers. Overall, though, most reported being satisfied with their RC employees. During the hiring process, most employers reported, they did not ask about the RC status of prospective employees. Many employers reported no preference between RC and non-RC employees, but employers that had previously hired RC members did have more of a preference for RC employees. There were comments from veteran-owned businesses remarking that they preferred to hire RC members. Regarding benefits for RC members, most employers reported being willing to provide flexible hours, but fewer employers were willing to or provide partial or full pay or benefit continuation.

Public Organizations

Public organizations were more likely than private employers to report experiencing business changes as a result of RC employee absences. They were more likely to have replacement issues and less likely to hire replacements, perhaps because many are unable to hire if they must keep the position open for the returning RC employee. Public employers felt that RC absences are too long and that the expected length of the absence is often unclear. They also reported more likelihood of having problems with employees not returning to work when expected. The incentives for hiring or reimbursing for expenses were cited as being less helpful, while replacement assistance and the option to reschedule the absence were thought to be more helpful. Public organizations were more likely to have knowledge about USERRA and where to find information.

First Responders

Public FRs were more likely to experience changes to their businesses as a result of an employee absence than were private FRs. Public FRs were also more likely to hire RC employees.

Large Employers

Larger employers (employers with more employees) were more likely than smaller employers to hire permanent replacements and were less likely to allow work to build up until their absent employees returned. Larger employers did not find the hiring or reimbursement incentives to be helpful but felt that the option to reschedule duty would be helpful.

Small Employers

Businesses with one to ten employees reported changes to their standard business operations because of employee absence more frequently than larger employers. Client problems resulting from an absence were more likely to be reported by small employers. Small businesses were more likely to feel that absences were too frequent and that the call-up time was inconvenient. The activation of a business supervisor was more likely to cause problems for these smaller employers; they were more likely to suspend or delay their business operations during an absence. Small businesses were more likely than larger employers to report having supervisors or single coworkers assume the responsibilities of absent employees. Small employers were less likely to report having the knowledge of USERRA that they needed to remain compliant; this could be problematic considering that they seem to feel a greater impact of absence.

Educators

Many schools commented that absences that were out of synchronization with the school year presented additional challenges. The absence of a teacher at any time disrupts learning, but certain activation and deployment schedules could disrupt more than one school year (e.g., a January–December absence would affect two school years). Some schools commented that it would be better for an RC member to be absent during one entire school year rather than being absent for part of a year; the longer absence would allow the school to hire a replacement for the school year. Flexible scheduling and the option to reschedule service may be particularly useful for schools and other educational agencies.

Key Employees

Many employers commented that their answers would differ depending on the employee and that the absence of key employees—managers or those with specialized skills—would cause (or had caused) particular hardships for their businesses. There could be problems when employers are hesitant to promote RC members to key employee positions because they are aware that the absence of those employees would affect their businesses more if the promotion occurred than if it did not.

Specialized Positions

Some organizations, including FRs, require their employees to be certified or trained in certain areas. As many employers commented, this specialized training makes hiring a replacement (temporary or permanent) particularly costly, and the timing of training may make replacements impractical (some employers require extensive training that can take more than six months to complete).

APPENDIX C

Analysis of Data from the January 2011 Status of Forces Survey of Reserve Component Members

The Status of Forces Survey of Reserve Component Members (SOFS-R) is administered periodically to members of Army National Guard (ARNG), U.S. Army Reserve (USAR), U.S. Navy Reserve, U.S. Marine Corps Reserve, Air National Guard (ANG), and Air Force Reserve (AFR) who have at least six months of service and are below flag rank. The SOFS-R includes questions about background, retention, satisfaction, and civilian employment.[1] With the use of weights, the results of the SOFS-R are representative of the population; all results presented here are weighted and thus represent the population of RC members (DMDC, 2009). Following DMDC (2009), this analysis excludes those respondents who stated that they were not in an RC at the time of the survey. In this appendix, we present our analysis of the survey data from January 2011.

Demographics

For the January 2011 SOFS-R, there were 120,724 individuals in the sample, and 21,873 provided valid responses. All results are weighted.

The largest percentage of RC members reported being in the ARNG (42 percent), followed by the USAR (24 percent), the ANG (13 percent), AFR (8 percent), the Navy Reserve (8 percent), and the Marine Corps Reserve (5 percent). Eighty-one percent of all respondents were male and 19 percent female, with percentages of female reservists ranging from 6 percent in the Marine Corps Reserve to 27 percent in AFR. These demographics reflect basic information about the relative sizes and composition of the RCs.

[1] RC members who serve in "full-time support" programs (e.g., active Guard and Reserve) or as military technicians do not receive survey questions about civilian employment.

Activations and Deployments

Thirty-four percent of respondents reported having been activated in the 24 months prior to the survey. As summarized in Table C.1, the Navy Reserve has the lowest percentage of recent activations, at 27 percent, while ARNG has the highest, at 36 percent. Five percent of all respondents were deployed at the time of the survey, with percentage by RC ranging from 3 percent in the Marine Corps Reserve to 7 percent in USAR. Table C.2 shows that the fraction of RC members who reported having been activated in the previous 24 months is lowest for those employed in the nonprofit sector, in a family business, or self-employed. The fraction of federal RC employees reporting activation is similar to the average for all RC members.

Of those activated, 94 percent reported that their activations were longer than 30 consecutive days; 47 percent reported a voluntary activation, 33 percent an involuntary activation; and 20 percent both types. Seventy-nine percent of those activated for more than 30 days reported that the activations resulted in deployment; of those deployed, 8 percent were deployed in the contiguous United States, 72 percent outside the contiguous United States, and 20 percent reported both. Table C.3 suggests that short deployments of fewer than 30 days were somewhat more common for ANG members, but longer deployments were the norm overall.

Table C.1
Activation in the Previous 24 Months, by Reserve Component (%)

Activation Status	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
Not activated	64	66	73	66	67	70	66
Activated	36	34	27	34	33	30	34

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.0 percent to ±2.3 percent. Weighted Ns range from 37,718 to 343,829 (810,989 overall). Unweighted Ns range from 2,586 to 4,462 (21,851 overall).

Table C.2
Activation in the Previous 24 Months, by Employer Sector (%)

Activation Status	Private	Nonprofit	Federal	State	Local	Self-Employed	Family, No Pay	Family, Pay	Overall
Not activated	73	78	74	72	71	76	82	77	74
Activated	27	22	26	28	29	24	18	24	27

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.3 percent to ±17.1 percent. In this and similar tables in this appendix, high margins of error are observed for employer categories with smaller numbers of observations (e.g., family business). Weighted Ns range from 4,069 to 184,106 (352,058 overall). Unweighted Ns range from 67 to 4,868 (10,105 overall).

Table C.3
Length of Activation, by Reserve Component (%)

Length of Activation	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
0–30 days	7	5	6	5	9	4	6
Longer than 30 days	93	95	94	95	91	97	94

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.1 percent to ±2.6 percent. Weighted Ns range from 12,854 to 125,106 (275,184 overall). Unweighted Ns range from 934 to 1,957 (7,718 overall).

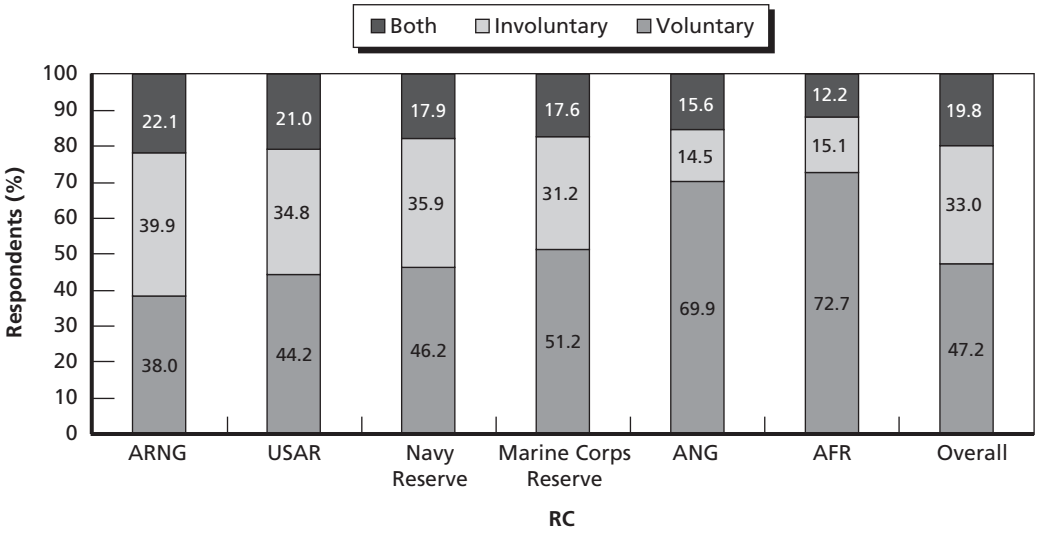
Figure C.1 shows voluntary and involuntary activations by RC. ANG and AFR had noticeably higher percentages of reported voluntary activations than the other four RCs, indicating that there may be particular concerns with voluntary leave from employment with these two branches. Figure C.2 shows voluntary and involuntary activations by employer sector at the time of the survey. Comparing Figures C.1 and C.2, we see that the rate of voluntary activation was lower for those employed (41 percent) than for the overall population (47 percent), suggesting that those who are not employed may be more likely to volunteer than those who are employed. State government employees and nonprofit employees reported higher rates of voluntary activations than employees of other sectors. Among federal employees, the rate of voluntary activation reported was consistent with the average across all sectors.

Figure C.3 shows voluntary and involuntary activations by preactivation employer, restricting to those employed prior to their most-recent activations. We see again that the rate of voluntary activation was reportedly lower for those with a preactivation employer (44 percent) than for the overall population (47 percent). As in Figure C.2, we again see that the reported rate of voluntary activation among federal employees (44 percent) was close to the average for all sectors (44 percent).

Benefits During Most-Recent Activation

Approximately 14 percent reported that, during their most-recent activations, their employers continued full pay for part of the activation; 4 percent reported that full pay was continued for the entire activation. Approximately 9 percent reported differential or partial pay for part of the activation, and 12 percent reported this for the entire activation. Nearly 10 percent reported that their employers continued health care benefits for part of the activation; 22 percent reported that health care benefits through their employers continued for the entire activation. Slightly fewer than 8 percent reported that their employers continued other company benefits for part of the activation; 26 percent reported that these other company benefits continued for the duration of the activation. Roughly 5 percent reported that their companies provided other types of support for part of the activation; 15 percent reported that

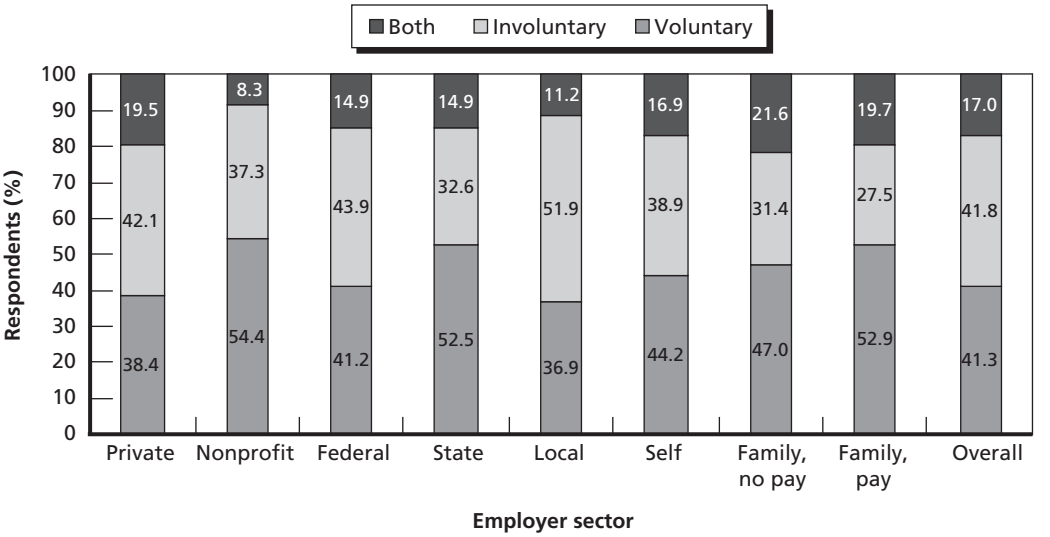
Figure C.1
Voluntary Versus Involuntary Activation, by Reserve Component



SOURCE: Authors' analysis of 2011 SOFS-R data.

RAND *RR152I1-C.1*

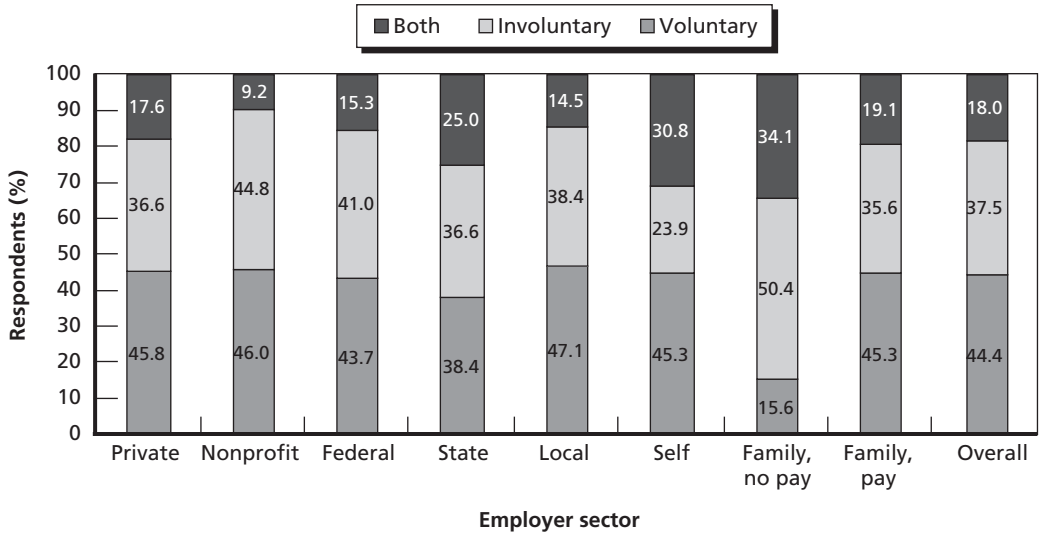
Figure C.2
Voluntary Versus Involuntary Activation, by Employer Sector



SOURCE: Authors' analysis of 2011 SOFS-R data.

RAND *RR152I1-C.2*

Figure C.3
Voluntary Versus Involuntary Activation, by Preactivation Employer Sector



SOURCE: Authors' analysis of 2011 SOFS-R data.

RAND *RR152/1-C.3*

this other support was provided for the entire activation. Overall, with the exception of continuation of full pay, more employers provided continuation of the benefit for the entire activation than for part of the activation.

In Tables C.4 and C.5, we examine continuation of benefits during the last activation by sector and size of employer prior to activation (which may differ from employer at the time of survey). Nonprofits were reportedly the most-frequent providers of continuation of full pay during the last activation, while state and local governments were reported to be much less likely to offer full pay than the federal government or the private sector. Local governments were the most-frequent providers of partial or differential pay for part of the activation; state governments were the most-frequent providers for all of the activation. The federal government was the most frequent provider of continued health care benefits for the entire activation; state governments were the most frequent provider for part of the activation. State and local governments more frequently provided other company benefits for all of the activation. Local governments more frequently provided other forms of support.

The largest firms more frequently provided continuation of full pay, of differential or partial pay, and health care benefits (as reported on the survey). Firms with 100–499 employees more frequently provided other company benefits and other forms of support for all or part of the activation, while firms with more than 500 employees more frequently provided other forms of support.

Table C.4
Continuation of Benefits During Activation, by Sector (%)

Action	Private	Nonprofit	Federal	State	Local	Overall
Continuation of full pay						
Yes, for all of the activation	5	11	9	4	1	5
Yes, for part of the activation	5	3	33	29	34	15
No	91	87	58	67	65	80
Continuation of differential or partial pay						
Yes, for all of the activation	14	9	6	20	9	13
Yes, for part of the activation	11	0	8	9	15	10
No	76	91	85	71	76	77
Continuation of health care benefits						
Yes, for all of the activation	24	21	38	18	22	25
Yes, for part of the activation	10	2	12	15	11	11
No	67	77	50	67	66	65
Continuation of other company benefits						
Yes, for all of the activation	28	22	22	32	33	28
Yes, for part of the activation	8	1	11	10	8	9
No	64	76	67	57	60	64
Provision of other types of support						
Yes, for all of the activation	13	16	18	16	22	15
Yes, for part of the activation	6	2	3	8	5	5
No	82	82	79	75	73	80

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.6 percent to ±21.1 percent. In this and similar tables, high margins of error are found for cells with small numbers of unweighted observations (in this case, "yes, for part of the activation," nonprofit employers, and state employers). Weighted Ns range from 966 to 18,845. Unweighted Ns range from 43 to 536.

Civilian Employment of Reserve Component Members

Of the RC members who reported being employed, 76 percent overall reported having a full-time civilian job, with *full time* defined as 35 hours a week or more. As reflected in Table C.6, this proportion varies by RC. Notably, more than 30 percent of the members of the Marine Corps Reserve and ARNG who were employed reported that they

Table C.5
Continuation of Benefits During Activation, by Number of Employees at All Locations (%)

Action	1–9	10–49	50–99	100–499	500+	Overall
Continuation of full pay						
Yes, for all of the activation	2	12	2	7	4	5
Yes, for part of the activation	1	5	18	15	18	15
No	98	83	81	79	78	80
Continuation of differential or partial pay						
Yes, for all of the activation	4	4	4	9	16	13
Yes, for part of the activation	1	0	9	16	12	10
No	95	96	87	75	73	77
Continuation of health care benefits						
Yes, for all of the activation	19	18	12	24	27	24
Yes, for part of the activation	2	1	9	8	14	11
No	79	81	80	68	60	65
Continuation of other company benefits						
Yes, for all of the activation	20	19	13	29	30	28
Yes, for part of the activation	1	1	11	12	9	8
No	80	81	76	59	60	64
Provision of other types of support						
Yes, for all of the activation	7	11	11	15	17	15
Yes, for part of the activation	12	3	2	5	5	5
No	81	86	88	80	79	80

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.7 percent to ±26.0 percent. Weighted Ns range from 1,115 to 20,951. Unweighted Ns range from 32 to 718.

were working less than full time. Of those working full time, the majority (53 percent) reported working in the private sector, 19 percent reported working in the federal government, and only 2 percent were self-employed (Table C.7).

Most (59 percent) reported that they worked for employers with 500 or more employees at all locations in the United States. Thirteen percent reported that they worked for organizations with 100–499 employees; 13 percent said they worked in small businesses of one to nine employees. Twenty-three percent of those employed in

Table C.6
Full-Time and Part-Time Employment, by Reserve Component, of Those Reporting Being Employed (%)

Full-Time Status	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
Not full time	30	24	17	37	14	14	24
Full-time job	70	76	84	64	86	86	76

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.4 percent to ±3.7 percent. Weighted Ns range from 20,367 to 139,673 (463,890 overall). Unweighted Ns range from 1,326 to 2,610 (13,012 overall).

Table C.7
Civilian Employment of Reserve Component Members, Full-Time Employed Only (%)

Employer Type	RC Members
Private	53
Nonprofit	3
Federal	19
State	10
Local	11
Self-employed	2
Family, no pay	0
Family, pay	1

SOURCE: Authors' analysis of 2011 SOFS-R data.

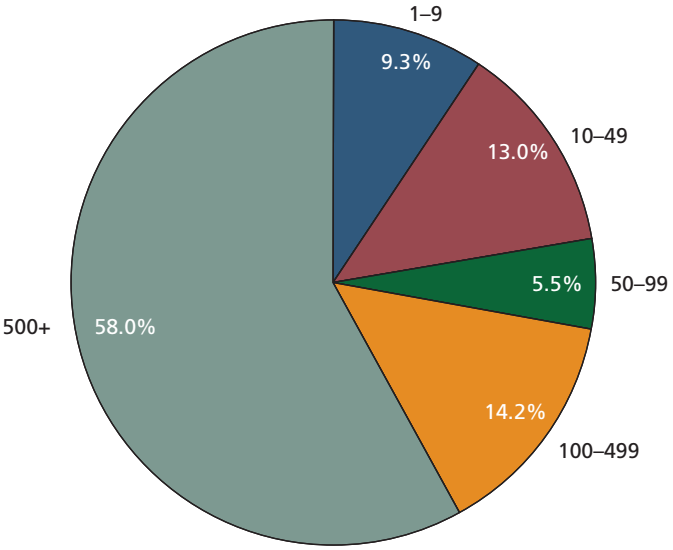
NOTE: Margin of error ranges from ±0.9 percent to ±2.0 percent. Weighted N = 253,405. Unweighted N = 8,259.

all sectors reported that they worked at businesses with fewer than 50 employees at all locations in the United States (results not shown).

For those in the private sector, 22 percent reported working at a business with fewer than 50 employees (Figure C.4); in the public sector, this number dropped to 8 percent (Figure C.5).

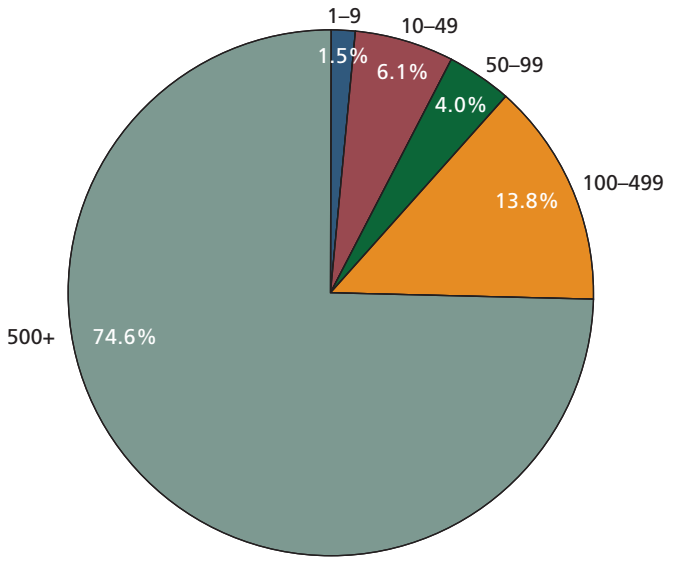
Firm size (determined by the number of employees at all U.S. locations of the business) is important to consider because a smaller firm may be more affected when an employee is on military leave. More than 50 percent of the respondents from each

Figure C.4
Employer Size (number of employees at all U.S. locations), Private Sector



SOURCE: Authors' analysis of 2011 SOFS-R data.

Figure C.5
Employer Size (number of employees at all U.S. locations), Public Sector



SOURCE: Authors' analysis of 2011 SOFS-R data.

RC reported that they worked full time for employers with 500 or more employees. Approximately 55 percent of those in the ARNG reported that they worked for large employers (500 or more employees); 13 percent worked for employers with nine or fewer employees. Twenty-five percent of ARNG members reported that they worked full time for employers with fewer than 50 employees, compared with 24 percent for USAR, 18 percent for Navy Reserve, 18 percent for ANG, and 15 percent for AFR. Approximately 32 percent of those employed in the Marine Corps Reserve reported working full time for employers with fewer than 50 employees, 16 percent for employers with one to nine employees, and 52 percent for large employers (500 or more employees) (results not shown).

Approximately 61 percent of those employed at the time of the survey reported that their civilian employers were the same as prior to their most-recent activations (in the previous two years); 28 percent had different employers at that time, and 10 percent did not have civilian jobs prior to their most-recent activations. Table C.8 reveals that a higher percentage of ANG and AFR members reported returning to the same civilian employers after their activations. A lower percentage of Marine Corps Reserve members who were employed reported having returned to the same employers, and a larger percentage reported that they did not have jobs prior to their activations (Table C.8).

Table C.9 summarizes, by sector of employment, employment changes following employment for RC members who were employed at the time of the survey. More than half of those who were self-employed or working in family businesses for no pay reported that they were not in the same sectors prior to their last deployments. Less than half of RC members working for the federal government reported that they were employed by the federal government prior to their last deployments; this may reflect federal hiring preferences for veterans. Fifteen percent of federal employees and 23 percent of those working in family businesses for no pay reported not being employed prior to their last deployments.

Table C.8
Return to the Same Civilian Employer, by Reserve Component (%)

Employer Change	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
Same civilian employer	57	60	65	56	73	71	61
Different civilian employer	33	28	30	29	19	19	29
Does not apply (no civilian job prior to activation)	10	12	6	15	8	11	10

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±3.3 percent to ±8.0 percent. Weighted Ns range from 5,089 to 42,356 (93,270 overall). Unweighted Ns range from 329 to 691 (2,737 overall).

Table C.9
Return to the Same Civilian Employer, by Employer Sector at Time of Survey (%)

Employer Change	Private	Nonprofit	Federal	State	Local	Self-Employed	Family, No Pay	Family, Pay	Overall
Same civilian employer	61	80	49	75	78	40	17	74	61
Different civilian employer	27	19	36	19	20	56	60	23	29
Does not apply (no civilian job prior to activation)	12	2	15	6	2	4	23	3	10

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±3.2 percent to ±24.2 percent. Weighted Ns range from 954 to 49,345 (93,270 overall). Unweighted Ns range from 17 to 1,326 (2,737 overall). Not applicable indicates that the respondent did not have a civilian job prior to activation.

First Responders

Nearly 16 percent of RC members considered themselves to be FRs in their civilian jobs; 13 percent considered themselves working in emergency services (Table C.10). Breaking this down by RC (the percentage of members from each RC who reported working as FRs), we see that the smallest percentage who reported working as FRs or in emergency services were in the Marine Corps Reserves (Table C.10). Sixty-four percent reported that their work as FRs is a full-time paid job, 11 percent reported part-time paid, and 28 percent reported that it is voluntary (does not sum to 100 percent because some may have more than one FR job; results not shown). Approximately 73 percent reported that their work in emergency services is full time and paid, 11 percent reported part-time paid, and 20 percent reported that it is volunteer work (results not shown). A majority of FRs reported that they work either in the private sector or for local government (Table C.11).

Supervisor and Coworker View of Service

Most reservists reported that they felt that their supervisors and coworkers viewed their service somewhat or very favorably. However, more reservists reported that their supervisors viewed their service very or somewhat unfavorably than that their coworkers did (Table C.12). Because some RC members reported not having supervisors, we do not report analyses of supervisor perspectives by employer characteristics here. Instead, we focused our analysis on questions about overall employer support. Responses to this question did not vary substantially based on the RC member's component.

Table C.10
First Responder, by Reserve Component (%)

RC	FR	Emergency Services[a]
ARNG	16	13
USAR	15	14
Navy Reserve	16	15
Marine Corps Reserve	14	11
ANG	15	14
AFR	16	13
Overall	16	13

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±2.0 percent to ±2.6 percent. Weighted Ns are 392,200 for FRs and 51,523 for emergency services. Unweighted Ns are 1,470 for FRs and 1,448 for emergency services.

[a] Emergency services and FR were separate questions on the survey; the overlap is strong but not perfect.

Table C.11
First Responder, by Sector (%)

Sector	FR	Emergency Services
Private	33	32
Nonprofit	2	4
Federal	17	17
State	18	18
Local	26	26
Self-employed	3	2
Family business, no pay	0	0
Family business, pay	0	0

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±0.3 percent to ±5.5 percent. Weighted Ns are 35,281 for FRs and 29,988 for emergency services. Unweighted Ns are 830 for FRs and 845 for emergency services.

Table C.12
How Supervisors and Coworkers View Participation in the National Guard or Reserve (%)

View	Supervisor	Coworkers
Very unfavorably	3	2
Somewhat unfavorably	9	4
Neither favorably nor unfavorably	18	20
Somewhat favorably	27	27
Very favorably	33	39
Does not apply; I do not have a supervisor or coworkers	10	9

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±0.4 percent to ±1.6 percent. Weighted Ns are 416,066 for supervisors and 415,172 for coworkers. Unweighted Ns are 12,069 for supervisors and 12,047 for coworkers.

Employer Support

Overall, 32 percent of RC members reported that their principal civilian employers were very supportive in general of their National Guard or Reserve service. Nearly 38 percent reported that their employers were supportive, while 23 percent said neither supportive nor unsupportive. Only 5 percent and 2 percent of RC members reported unsupportive or very unsupportive employers, respectively (results not shown). Responses to this question did not vary substantially based on the RC member's component. Examining employer support by sector, we see that the federal government was most frequently reported to be very supportive (Table C.13). In terms of size, the largest firms (500 or more employees) had the highest frequency of being very supportive (Table C.14).

Examining employer support by sector, we do not see statistically significant differences except for the "neither supportive nor unsupportive" category, which was more frequently cited by employees of private-sector organizations than by other employees (Table C.15).

Comparing employer support by activation status in the previous 24 months does show a statistically significant difference (at the 95-percent level) for very supportive, with more unactivated than activated respondents perceiving their employers as very supportive (Table C.16).

Table C.17 shows an ordered logistic regression of principal civilian employer support of RC obligations. Coefficients are presented in odds ratios; a one-unit increase in the independent variable increases or decreases the odds of being at a higher level of support, holding other variables constant. We see that an increase in employer size category and the employer being a nonprofit both increased the likelihood of being perceived as more supportive (statistically significant at the 90-percent level).

Table C.13
Employer Support of Reserve Component Service, by Sector (%)

Support	Private	Nonprofit	Federal	State	Local	Overall
Very unsupportive	2	1	2	0	2	2
Unsupportive	5	3	3	4	5	5
Neither supportive nor unsupportive	24	26	20	20	19	22
Supportive	37	38	36	39	46	38
Very supportive	32	33	39	38	28	33

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±0.3 percent to ±12.4 percent. Weighted Ns range from 4,945 to 91,621 (159,073 overall). Unweighted Ns range from 215 to 2,372 (4,566 overall).

Table C.14
Employer Support of Reserve Component Service, by Size (number of employees at all U.S. locations) (%)

Support	1–9	10–49	50–99	100–499	500+	Total
Very unsupportive	2	3	0	3	2	2
Unsupportive	7	5	2	7	4	5
Neither supportive nor unsupportive	24	30	34	21	21	22
Supportive	37	32	33	42	38	38
Very supportive	30	30	32	28	36	33

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±0.3 percent to ±13.6 percent. Weighted Ns range from 5,866 to 102,178 (158,903 overall). Unweighted Ns range from 150 to 3,306 (4,560 overall).

Pay During Leave

Approximately one-third of those with civilian jobs reported that their employers offer full pay for some period of time during an absence from work due to military obligations (Table C.18); approximately 20 percent reported that their employers offer partial or differential pay during such an absence (Table C.21). For those who responded that their employers offer full pay for a limited period of time, a follow-up question was asked regarding whether the employers provide differential or partial pay during activation when military compensation is less than their civilian pay; 42 percent reported that their employers provide this type of compensation (results not shown).

Table C.18 shows a clear relationship between sector and full-pay policy, with substantially more federal, state, and local government employers than private-sector

Table C.15
Principal Civilian Employer Support of National Guard and Reserve Obligations, Public Sector Versus Private Sector (%)

Support	Private	Public	Difference Private – Public
Very unsupportive	2	1	1
Unsupportive	5	4	2
Neither supportive nor unsupportive	24	20	4*
Supportive	37	40	–3
Very supportive	32	36	–4

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: * = $p < 0.1$. Margin of error ranges from ±0.6 percent to ±4.1 percent. Weighted Ns are 91,621 for private and 62,507 for public sector. Unweighted Ns are 2,372 for private and 1,979 for public sector.

Table C.16
Principal Civilian Employer Support of National Guard and Reserve Obligations, Activated Versus Not Activated (%)

Support	Not Activated	Activated	Difference (Not Activated – Activated)
Very unsupportive	2	3	–1
Unsupportive	5	6	–1
Neither supportive nor unsupportive	23	24	–1
Supportive	37	39	–2
Very supportive	34	28	5**

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: ** = $p < 0.05$. Margin of error ranges from ±1.0 percent to ±4.0 percent. Weighted Ns are 125,549 for not activated and 68,555 for activated. Unweighted Ns are 3,289 for not activated and 2,024 for activated.

or nonprofit employers reportedly offering this policy. Larger firms also were reported to be more prone to offering a full-pay policy (Tables C.19–C.20).

State and local government reportedly offered partial pay more frequently than the other sectors. The patterns for size and percentage offering partial pay are similar to those for full-pay policy (Tables C.21–C.23).

Health Care Benefits

When asked about employer-provided health care benefits, 79 percent of RC members reported that their employers provided health care benefits in general (results not

Table C.17
Ordered Logistic Regression of Principal Civilian Employer Support of National Guard and Reserve Obligations, Odds Ratios

Variable	Odds Ratio
Activated in previous 24 months	1.013
	(0.163)
Employer size	1.107*
	(0.0632)
Nonprofit	2.780*
	(1.598)
Federal	1.594
	(1.266)
State	1.324
	(1.249)
Local	1.009
	(0.732)
Nonprofit × activated	1.395
	(0.627)
Federal × activated	0.869
	(0.250)
State × activated	0.852
	(0.279)
Local × activated	0.757
	(0.246)
Nonprofit × size	0.777*
	(0.108)
Federal × size	0.964
	(0.159)
State × size	1.013
	(0.200)
Local × size	1.027
	(0.178)

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Robust standard errors are in parentheses.
* = $p < 0.1$. N = 4,560.

Table C.18
Full-Pay Policy, by Sector (%)

Full Pay	Private	Nonprofit	Federal	State	Local	Overall
No	82	77	27	38	41	63
Yes, up to 30 days	13	20	66	53	49	31
Yes, more than 30 days	5	4	7	9	10	7

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.4 percent to ±9.4 percent. Weighted Ns range from 4,934 to 91,653 (159,393 overall). Unweighted Ns range from 214 to 2,373 (4,575 overall).

Table C.19
Full-Pay Policy, by Size (number of employees at all locations) (%)

Full Pay	1–9	10–49	50–99	100–499	500+	Overall
No	91	80	72	64	56	63
Yes, up to 30 days	8	15	22	30	36	31
Yes, more than 30 days	2	5	6	6	7	7

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.4 percent to ±12.0 percent. Weighted Ns range from 9,561 to 102,308 (159,178 overall). Unweighted Ns range from 191 to 3,310 (4,567 overall).

Table C.20
Full-Pay Policy, by Size (number of employees at all locations) and Sector (%)

Full Pay	1–9	10–49	50–99	100–499	500+	Overall
Private						
No	95	88	79	85	79	82
Yes, up to 30 days	3	6	14	13	15	13
Yes, more than 30 days	2	6	7	2	6	5
Public						
No	66	60	59	36	29	34
Yes, up to 30 days	31	38	38	53	62	58
Yes, more than 30 days	3	3	3	11	9	8

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.6 percent to ±28.7 percent. Weighted Ns range from 932 to 54,489. Unweighted Ns range from 17 to 1,615.

Table C.21
Partial-Pay Policy, by Sector (%)

Partial Pay	Private	Nonprofit	Federal	State	Local	Overall
No	79	88	94	77	74	80
Yes, up to 30 days	8	7	3	10	13	8
Yes, more than 30 days	13	5	4	14	13	12

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.8 percent to ±13.6 percent. Weighted Ns range from 3,772 to 75,246 (100,016 overall). Unweighted Ns range from 116 to 1,830 (2,468 overall).

Table C.22
Partial-Pay Policy, by Size (number of employees at all locations) (%)

Partial Pay	1–9	10–49	50–99	100–499	500+	Overall
No	92	96	93	79	73	80
Yes, up to 30 days	5	3	3	11	9	8
Yes, more than 30 days	3	1	4	10	18	12

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.8 percent to ±10.7 percent. Weighted Ns range from 4,245 to 57,637 (99,928 overall). Unweighted Ns range from 107 to 1,621 (2,464 overall).

Table C.23
Partial-Pay Policy, by Size (number of employees at all locations) and Sector (%)

Partial Pay	1–9	10–49	50–99	100–499	500+	Overall
Private sector						
No	92	96	93	82	70	79
Yes, up to 30 days	5	4	3	9	10	8
Yes, more than 30 days	3	1	4	9	21	13
Public sector						
No	85	94	93	68	83	82
Yes, up to 30 days	0	2	3	18	7	8
Yes, more than 30 days	15	4	3	15	10	10

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.2 percent to ±33.0 percent. Weighted Ns range from 615 to 42,728. Unweighted Ns range from 10 to 1,186.

shown). Of these, 45 percent reported that their employers did not have a policy of continuing to provide health care benefits during absence from work due to military obligations. However, 13 percent reported that their employers provided health care benefits for leave up to 15 days, 12 percent reported for leave up to 30 days, and 31 percent reported for leave extending beyond 30 days (results not shown).

Examining continuation of health care benefits by employer sector and size (excluding responses from those who did not report an employer sector or size), we see that the federal government reportedly offered health care benefits during military leave more frequently than other sectors and was followed by state and local government (Table C.24). The nonprofit sector was reported to offer continuation of health care benefits less frequently than the public sector but more than the private sector. Larger firms were reported more frequently than other employers as offering continuation of health care benefits to their employees during an absence from work due to military obligations (Table C.25).

Table C.24
Health Care Benefits During Leave, by Sector (%)

Benefits	Private	Nonprofit	Federal	State	Local	Overall
No	50	44	29	37	35	42
Yes, up to 30 days	23	21	34	32	30	27
Yes, more than 30 days	27	35	37	31	35	31

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±2.6 percent to ±14.9 percent. Weighted Ns range from 3,444 to 70,771 (125,218 overall). Unweighted Ns range from 171 to 2,003 (1,404 overall).

Table C.25
Health Care Benefits During Leave, by Employer Size (number of employees at all locations) (%)

Benefits	1–9	10–49	50–99	100–499	500+	Overall
No	69	50	44	47	39	42
Yes, up to 30 days	18	22	30	27	28	27
Yes, more than 30 days	14	29	26	26	33	31

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±2.6 percent to ±17.5 percent. Weighted Ns range from 3,919 to 87,912 (125,035 overall). Unweighted Ns range from 89 to 2,996 (3,922 overall).

Student Status

Among RC members who were not activated at the time of the survey, 32 percent reported being enrolled in civilian schools (results not shown). This percentage varied by RC, with 44 percent of Marine Corps Reserve members, 35 percent of USAR members, 34 percent of ARNG members, 27 percent of Navy Reserve members, 25 percent of AFR members, and 24 percent of ANG members confirming enrollment in school. Of those students, 67 percent reported that they were enrolled full time (12 credit hours or more per semester) and 33 percent part time. Marine Corps Reserve members reported being enrolled full time at the highest rate (75 percent) (results not shown).

Those enrolled in school were later asked how much of a problem a three-month activation or deployment would be for the respondent's studies at school or college. Overall, 40 percent of full- and part-time students reported that a three-month activation or deployment would cause serious or very serious problems for their studies (Table C.26). Exploring the responses to this question by full- and part-time student status, we see that this would have caused more serious and very serious problems for full-time students than for part-time students.

All RC members, regardless of student status, who reported having been activated in the past or at the time of the survey were asked, "In the past 24 months, have you been forced to leave college, technical training, apprenticeship training, or any other kind of educational experience because of an activation or deployment (voluntary or involuntary)?" Comparing this with student status prior to the most-recent activations for those activated at the time of the survey, we see that 10 percent of those who did not report being enrolled in civilian school prior to activation reported having to leave educational opportunities. This indicates that even those RC members who are not formally students (not enrolled in a civilian school) may be leaving educational expe-

Table C.26
Problems Caused by Three-Month Activation or Deployment, by Student Status (%)

Problems	Full Time	Part Time	Overall
Not a problem	14	24	17
A slight problem	13	20	15
Somewhat a problem	27	30	28
A serious problem	18	14	17
A very serious problem	28	13	23

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±3.5 percent to ±7.5 percent. Weighted Ns are 51,637 for full time, 22,268 part time, and 73,905 overall. Unweighted Ns are 788 for full time, 569 part time, and 1,357 overall.

riences because of military duty. A majority (58 percent) of those enrolled in civilian school at the time of their most-recent activations reported leaving educational opportunities, and 21 percent of students withdrew after being called to involuntary duty (Table C.27).

Unemployment

Thirty-four percent of those activated in the previous 24 months reported having periods of unemployment after returning. Among them, 11.6 percent reported that these periods of unemployment lasted for less than one month, and 23.4 percent reported that they lasted from one to two months. Nearly one-quarter of these respondents (24.8 percent) reported spells of unemployment for three to five months; another 23.1 percent reported being unemployed six to 11 months, and 17.1 percent of these respondents reported being unemployed for 12 months or more.

As reflected in Table C.28, the percentage of RC members who reported having periods of unemployment after returning from activation was highest for USAR and Marine Corps Reserve members and lowest for ANG and AFR members.

Activation Injuries

More than one-fifth (22 percent) of those RC members activated after September 11, 2001, including those activated at the time of the survey, reported that they were wounded during activations. Table C.29 indicates that more than one-quarter of ARNG and USAR members reported being wounded during activations. In contrast, less than 10 percent of ANG members reported being wounded.

Table C.27
Forced to Leave Education, by Student Status Prior to Most-Recent Activation, Activated at Time of Survey (%)

Forced to Leave	Not Student	Student	Overall
Yes, for voluntary duty	3	29	9
Yes, for involuntary duty	5	21	9
Yes, for a combination of voluntary and involuntary duty	2	9	4
No	90	42	79

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.3 percent to ±11.1 percent. Weighted Ns are 31,433 for nonstudents, 9,407 for students, and 40,841 overall. Unweighted Ns are 1,052 for nonstudents, 225 for students, and 1,277 overall.

Table C.28
Unemployment After Returning from Activation (%)

Unemployed	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
No	64	60	71	61	81	75	66
Yes	36	40	29	40	19	25	34

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±2.6 percent to ±6.4 percent. Weighted Ns range from 6,648 to 62,167 (139,545 overall). Unweighted Ns range from 139 to 975 (1,033 overall).

Table C.29
Wounded During an Activation, by Reserve Component (%)

Wounded	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
No	74	72	86	82	91	86	78
Yes	26	29	14	18	9	14	22

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.8 percent to ±4.0 percent. Weighted Ns range from 9,076 to 94,010 (209,218 overall). Unweighted Ns range from 692 to 1,527 (5,838 overall).

For those who were self-employed or worked at family businesses both before and after their most-recent activations, 93 percent reported returning to the same self-employment or family businesses (compared with 92 percent of those not wounded); however, this difference is not statistically significant. For those employed in the private, public, or nonprofit sector, both before and after their most-recent activations, 87 percent of those who reported being wounded since 9/11 returned to their employers (compared with 86 percent of nonwounded); this difference is not statistically significant (results not shown). There may be particular challenges that wounded RC members face in the workplace; however, given the wording of the question, the activation in which the wounding occurred may not be the same activation to which the employment questions pertain.

Of those wounded, 35 percent reported that the injuries they received during activation limit their working ability in their principal civilian employment. Approximately 12 percent reported that they had experienced problems with their civilian employers being unable to accommodate their disabilities incurred during military service (results not shown).

Return to Work After Activation

Reserve Component Members Activated at Time of Survey

For those activated at the time of the survey and working in the public, private, or nonprofit sector, 61 percent reported that they planned to return to the same employers. More than half (55 percent) of the self-employed or those employed in family businesses reported plans to return to the same employment after their activations. Navy Reserve members were the most likely to report plans to return to the same employment after activation, and ARNG members were the least likely (Table C.30).

Activated Prior to Survey

RC members who were not activated at the time of the survey but who had been activated after September 11, 2001, were asked whether they were employed in the three months after their most-recent deactivations; these questions ask about reemployment after activation differently from the ways presented in Tables C.8 and C.9.[2]

Worked After Deactivation

Fifty-nine percent reported working for pay or for profit in the three months after deactivation. More than 60 percent of RC members in the AFR, ANG, and Navy Reserve reported working in the three months after deactivation, whereas less than 55 percent of USAR and Marine Corps Reserve members did (Table C.31).

Table C.30
Plan to Return to Same Public, Private, or Nonprofit Employer, Worker Activated at Time of Survey, by Reserve Component (%)

Plan to Return	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
No	46	37	21	40	34	26	39
Yes	54	63	79	61	66	74	61

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±7.1 percent to ±20.1 percent. Weighted Ns range from 1,110 to 10,785 (25,156 overall). Unweighted Ns range from 58 to 199 (748 overall).

[2] The question reflected in Tables C.32 and C.33 asked, "In the three months after your most recent deactivation, did you return to the same employer for whom you were working prior to activation?" The question presented in Tables C.8 and C.9 asked, "Is your current principal civilian employment the same as before your most recent activation?" It is possible that an RC member returned to the same employer after activation but later switched employers prior to the survey. These would not have been reflected in the earlier tables. In addition, the information in this section was asked only of those who reported working in the nonprofit, private, or public sector, while the question relating to Tables C.8 and C.9 was asked of all who reported working full time, regardless of sector.

Table C.31
Reported Working for Pay or Profit in Three Months After Deactivation, by Reserve Component (%)

Worked for Pay or Profit	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
No	42	47	36	47	37	28	41
Yes	58	53	64	53	63	72	59

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±2.2 percent to ±5.4 percent. Weighted Ns range from 9,011 to 93,666 (208,661 overall). Unweighted Ns range from 686 to 1,519 (8,816 overall).

Returned to Same Employer

Approximately 94 percent of RC members who reported working in the month prior to their most-recent activations reported working in the private, public, or nonprofit sector (results not shown). Of those reporting private, public, or nonprofit employment both before and after activation, 87 percent said that they had returned to the same employers in the three months after their most-recent deactivations, while 14 percent had changed employers. Marine Corps Reserve members, followed by ARNG members, were the most likely to have reported changing employers after returning from activation (Table C.32). As reflected in Table C.33, RC members working in local

Table C.32
Returned to Same Private, Public, or Nonprofit Employer, by Reserve Component (%)

Returned	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
No	16	14	9	20	9	9	14
Yes	84	86	91	81	91	91	87

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±2.2 percent to ±6.4 percent. Weighted Ns range from 3,795 to 42,675 (98,847 overall). Unweighted Ns range from 354 to 834 (3,224 overall).

Table C.33
Returned to Same Private, Public, or Nonprofit Employer, by Employer Sector (%)

Returned	Private	Nonprofit	Federal	State	Local	Overall
No	20	8	5	19	3	14
Yes	80	92	95	81	97	87

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±2.0 percent to ±8.5 percent. Weighted Ns range from 2,453 to 46,903 (98,874 overall). Unweighted Ns range from 109 to 1,437 (3,226 overall).

government, federal government, and nonprofit organizations were the most likely to report that they returned to the same employers after activation.

For those who returned to the same employers or activities as before activation, a majority said that their returns were about what they expected or better than expected. However, more self-employed or family-business workers said that it was worse than they expected than did those returning to public, private, or nonprofit employment (Table C.34). This indicates that there might be particular issues that self-employed or family-business workers face upon return to civilian life.

Changed Employers

Of those who changed employers, a majority (55 percent) reported that they had found better jobs. Twenty-seven percent stated they disliked their preactivation jobs. Thirteen percent reported that their employers' circumstances changed, such as closure of facilities, ownership changes, or end of contract (Table C.35). Sixteen percent reported that layoffs occurred (Table C.36).

Thirty-one percent reported that their decisions not to return to their preactivation employers were influenced by changes to the employers' circumstances during deployment, business closure, or layoffs. Of the 8 percent (see Table C.37) who reported that they did not receive prompt reemployment, 54 percent did not cite any particular issue with the preactivation employer's business (business closure, layoffs, or change in employer circumstances).

Table C.34
How Was the Return to Same Employment Activity After Activation? (%)

Return	Self-Employed or Family Business	Private, Public, or Nonprofit
Much worse	9	5
Somewhat worse	20	14
About expected	48	68
Somewhat better	17	8
Much better	6	5

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.3 percent to ±21.5 percent. Weighted Ns are 3,957 for self-employed and family and 85,432 for private, public, and nonprofit employers. Unweighted Ns are 133 for self-employed and family and 2,849 for private, public, and nonprofit employers.

Table C.35
Employer Circumstances Changed, by Sector of Employment in the Month Prior to Activation (%)

Change	Private	Nonprofit	Federal	State	Local	Overall
No	89	86	92	72	100	87
Yes	11	14	8	28	0	13

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±6.7 percent to ±32.0 percent. Weighted Ns range from 191 to 9,376 (13,221 overall). Unweighted Ns range from 12 to 240 (367 overall). Respondents answered each reason with yes or no, so rows do not add to 100 percent.

Table C.36
Layoffs Occurred, by Sector of Employment in the Month Prior to Activation (%)

Layoffs	Private	Nonprofit	Federal	State	Local	Overall
No	85	94	88	74	93	84
Yes	15	6	13	26	7	16

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±7.9 percent to ±30.0 percent. Weighted Ns range from 191 to 9,376 (13,221 overall). Unweighted Ns range from 12 to 240 (367 overall).

Table C.37
Why Reserve Component Members Did Not Return to Preactivation Employers (%)

Reason	Yes	No
Preactivation employer went out of business	6	94
Layoffs occurred	16	84
Change in preactivation employer circumstances while away	13	87
Lack of prompt reemployment	8	93
I disliked my preactivation job	27	73
I was recuperating from an illness or injury	5	95
I found a better job	55	45
I decided to attend school	12	88

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±2.2 percent to ±10.4 percent. Weighted N = 13,221. Unweighted N = 367.

Did Not Work After Deactivation

For those who did not return to work in the three months following their deactivations, the most frequently selected reason was the need for a break after activation (42.3 percent). More than half of USAR members cited this reason (Table C.38).

Twenty-five percent of RC members who did not work in the three months following deactivation reported that they decided to attend school. Interestingly, only 6 percent of Navy Reserve members reportedly did not return to work in order to attend school (Table C.39).

Nearly one-third (29 percent) reported that the decision not to work in the three months after deactivation was influenced by changes to employers' circumstances, layoffs, or business closure during deployment. This seemed to be an issue for RC members employed in all sectors (see Table C.40). Twelve percent reported a lack of prompt reemployment (within two weeks of return) (see Table C.41). Twenty-nine percent of those who reported a lack of prompt reemployment did not also report that layoffs occurred, the business closed, or employer circumstances changed, showing that, for many, a combination of factors influences why they do not work after returning from activation.

Table C.38
Needed a Break, by Reserve Component (%)

Needed	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
No	64	42	68	61	75	81	58
Yes	36	58	32	39	26	19	42

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±8.3 percent to ±19.9 percent. Weighted Ns range from 584 to 13,265 (25,399 overall). Unweighted Ns range from 31 to 163 (494 overall). Respondents answered each reason with a yes or no, so rows do not add to 100 percent.

Table C.39
Decided to Attend School, by Reserve Component (%)

Attend	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
No	74	76	94	68	68	79	75
Yes	26	24	6	32	32	21	25

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±5.2 percent to ±19.4 percent. Weighted Ns range from 584 to 13,265 (25,399 overall). Unweighted Ns range from 31 to 163 (494 overall).

Table C.40
Employer Circumstances, Layoffs, or Business Closure Influencing Return to Work, by Sector of Employment in the Month Prior to Activation (%)

Influence	Private	Nonprofit	Federal	State	Local	Total
No	67	78	79	81	71	71
Yes	33	22	21	19	29	29

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±7.9 percent to ±37.4 percent. Weighted Ns range from 453 to 17,233 (25,399 overall). Unweighted Ns range from 18 to 311 (494 overall).

Table C.41
Why Reserve Component Members Did Not Return to Work After Activation (%)

Reason	Yes	No
Preactivation employer went out of business	5	95
Layoffs occurred	17	83
Change in preactivation employer circumstances while away	17	83
Lack of prompt reemployment	12	88
I disliked my preactivation job	17	83
I was recuperating from an illness or injury	12	88
I found a better job	25	75
I decided to attend school	42	58

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±4.8 percent to ±8.3 percent. Weighted N = 25,399. Unweighted N = 494.

Reserve Component Member Perspectives on USERRA

Briefings

All respondents were asked how often they had been informed about USERRA; 22 percent reported never being informed. Breaking these data down by RC, the Navy Reserve seemed to have a slightly higher frequency of reports of not being informed about USERRA (Table C.42).

USERRA Problems

Of those who reported working in the private, public, or nonprofit sector prior to their most-recent activations, 18 percent reported experiencing at least one USERRA problem since returning to their civilian jobs. The most commonly reported issues, each

Table C.42
Frequency of Information About USERRA (%)

Frequency	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Overall
Only when I have been mobilized	17	18	14	16	23	21	18
Once a year	37	33	36	33	38	37	36
More than once a year	28	24	24	26	17	19	25
Never	18	25	26	24	22	23	22

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.2 percent to ±3.7 percent. Weighted Ns range from 19,181 to 173,151 (404,085 overall). Unweighted Ns range from 1,307 to 2,311 (10,752 overall).

reported by 6 percent of respondents, were a break in pension benefit accrual, loss of seniority or seniority-related benefits, denial of the same job, and denial of promotion. Few reported that they had been terminated without cause (Table C.43).

Restricting to those who returned to their same employers and examining these USERRA-related problems by type of employer, we find that 18 percent reported a USERRA-related problem. Frequencies just under 10 percent were reported for

Table C.43
Type of USERRA-Related Problems Experienced by Reserve Component Members (%)

Problem	No	Yes
Denied promotion	94	6
Loss of seniority or seniority benefits	94	6
Denied same job	94	6
Employer could not accommodate reemployment claim	97	3
Demotion	97	3
Service considered break in employment for pension	94	6
Failed to receive employer-provided health insurance immediately	97	3
Effort not made to upgrade skills for reemployment	96	4
Termination without cause (31–180 days after deactivation)	98	2
Termination without cause (more than 180 days after deactivation)	98	2

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Margin of error ranges from ±1.1 percent to ±1.5 percent. Weighted N = 123,326. Unweighted N = 3,686.

private-sector employees for being denied promotions, compared with frequencies of 9 percent, 6 percent, 4 percent, and 3 percent for nonprofit, local, state, and federal employees, respectively. Breaks in pension benefits reportedly occurred more frequently in local government (12 percent) than in other sectors, which range in frequency from 5 percent to 6 percent. For loss of seniority, this was reported to occur more frequently at private (10 percent) and nonprofit (10 percent) firms than in federal (3 percent), state (6 percent), or local (5 percent) government (results not shown).

We explored the likelihood of reporting any USERRA-related problem varying by size and sector of firm, controlling for whether respondents returned to the same employers. None of the characteristics was statistically significant (Table C.44).

Assistance with USERRA Problems

Of all survey respondents, 12 percent reported contacting ESGR at some point. Among those who had problems with civilian employment upon returning from their most-recent activations, 59 percent reported contacting ESGR for help. More than one-third (36 percent) reported being very satisfied with the promptness of ESGR's response to their USERRA-related problems, while 30 percent reported being very unsatisfied or unsatisfied. Slightly more than half of respondents (53 percent) reported being satisfied or very satisfied with the manner in which their requests for assistance were handled; 30 percent reported being very unsatisfied or unsatisfied (results not shown).

TRICARE Benefits and Insurance

A subset of respondents was asked about TRICARE benefits and health insurance.[3] Of those who had not been activated in the previous 24 months, 73 percent reported having some type of medical or hospitalization insurance at the time of the survey. Of those who had been activated in the previous 24 months (including those activated at the time of the survey), 67 percent reported having medical or hospitalization insurance prior to their most-recent activations (results not shown).

More than two-thirds (69 percent) of all respondents, including those activated at the time of the survey, reported having received information about TRICARE Reserve Select (TRS), and 66 percent reported receiving information about the TRICARE Dental Program. Approximately 21 percent of all respondents were enrolled in TRS at the time of the survey, while 24 percent were enrolled in TRICARE Dental. And 39 percent of those not enrolled in TRS reported that they had not enrolled because they preferred another health care plan (results not shown).

Among those RC members with spouses or dependents, 79 percent reported that their spouses or other dependents had used TRICARE in the previous 24 months.

[3] To minimize burden, certain question modules were asked of only one-third of respondents.

Table C.44
Likelihood of a Reserve Component Member Reporting Any USERRA-Related Problem, by Employer Characteristic

Variable	Odds Ratio
10–49 employees	0.732
	(0.450)
50–99 employees	0.401
	(0.320)
100–499 employees	1.004
	(0.611)
500+ employees	0.601
	(0.324)
Nonprofit	0.613
	(0.280)
Federal	0.716
	(0.185)
State	1.086
	(0.425)
Local	0.630
	(0.233)
Self-employed	1.333
	(0.947)
Constant	0.458
	(0.238)

SOURCE: Authors' analysis of 2011 SOFS-R data.

NOTE: Robust standard errors are in parentheses. N = 1,841.

Additionally, 63 percent reported that their spouses or other dependents were using TRICARE at the time of the survey (results not shown).

Roughly 59 percent of respondents reported that their spouses or other dependents were enrolled in the RC members' civilian health care plans prior to their most-recent activations. Of these, 50 percent reported continuing the civilian health care plan for

their dependents during activation. Slightly less than half of these (45 percent) reported that the full premiums were paid for by their employers during this time; 43 percent reported that their employers paid part of the premium; and 12 percent reported that their employers had not paid any part of the premium (results not shown).

When asked to compare TRICARE with the civilian health care plans of their spouses and dependents, 44 percent reported that TRICARE was neither better nor worse. Another 22 percent reported that TRICARE was better; 12 percent reported TRICARE as being much better. Only 16 percent and 6 percent reported TRICARE as worse and much worse, respectively (results not shown).

APPENDIX D

Analysis, by Reserve Component

There are seven different RCs with differing activation and deployment policies. The experiences of RC members and the perspectives of their civilian employers may vary depending on the component. In this appendix, we summarize what can be gleaned about component-level variation based on three different data sources: RC chief interviews, RC member surveys, and the DoD employer survey. Findings from the RC member surveys are summarized in greater depth in Appendix C, and the findings from the DoD employer survey are summarized in greater depth in Appendix B. We present similar results here but emphasize the differences between the RCs for ease of reference for readers whose main interest is a specific RC.

Interviews with Reserve Component Chiefs

In the course of this study, we interviewed the chief of each RC. The interviews included questions about the state of and factors influencing the relationship between the RC and the employer community, special programs that the RCs have put in place to enhance the employer relationship, the RC's perspective on whether employers are upholding their USERRA obligations, and whether changes are needed to USERRA. These were high-level interviews and were not intended to uncover detailed information about employer outreach. We summarize key themes and differences across components here.

The Navy Reserve, ANG, and ARNG leaders were most positive about employer relationships, describing them as either good or very good. USAR, AFR, and Coast Guard Reserve leaders described employer relationships as generally supportive or "solid."[1] USAR did caveat its overall assessment with a concern that the use of volunteers is "killing us with employers." AFR indicated that a lack of predictability and overutilization of certain RC members was causing stress for some employers.

[1] The SOFS-R did not break out Coast Guard Reserve data, so they are not addressed in Appendix C. The employer survey did, so we address those data in this appendix.

The Marine Corps Reserve chief indicated that the employer relationship is "not as formalized as it could be," noting that the component has few, if any, direct interactions with the employer community. In spite of that, the Marine Corps Reserve chief was not aware of any systematic concerns on the part of employers.

AFR, ANG, Navy Reserve, and USAR described specific programs or efforts that are designed to enhance the employer relationship, such as business and industry days (AFR), the Navy Reserve Engagement Plan, and the Employer Partnership Initiative (formerly, and at the time of the interview, Employer Partnership of the Armed Forces).

The Coast Guard Reserve chief emphasized the strong local connections between employers and local Coast Guard commands. The ARNG noted that much of its employer interaction has been delegated to ESGR and to state-level representatives.

Overall, the RC chiefs were supportive of USERRA and its provisions. Some described how the law guided utilization decisions and policies. Several emphasized that the law itself is only a small piece of the larger foundation of employer support. The key element of that foundation is communication between the RC member, the employer, and the component. As noted by one interviewee, "If the relationship turns sour with employers, if you have to pull out USERRA, you've failed. Most of the time when USERRA is relied upon it is because the [RC member] is at fault as much as the employer for not properly communicating."

RC chiefs did not highlight any major limitations with USERRA itself. A few interviewees expressed concerns about the five-year limit for USERRA protection, suggesting either that five years was too long or that the exemptions of duty from the five-year limit were being overused. One interviewee noted the tension caused by the high demands for RC members to activate. It is much easier to ask for volunteers than to engage in involuntary activation, but overusing volunteers can upset employers.

Both the Navy and Coast Guard Reserve chiefs indicated that their components were less reliant on volunteers than the other components and that their RC members were generally older and more tied to their civilian employers than members of other RCs were.

Overview of Responses to Status of Forces Survey of Reserve Component Members, by Reserve Component

The SOFS-R provides data from surveys of RC members in the ARNG, USAR, Navy Reserve, Marine Corps Reserve, ANG, and AFR (Coast Guard Reserve members were not included in the sample). Appendix C provides a detailed analysis of those data, including breakdowns by RC. In this section, we summarize some key findings from the 2011 survey that pertain to the employment experiences of RC members, referencing the relevant tables and figures from Appendix C for readers interested in additional information.

The largest percentage of RC members reported being in the ARNG (42 percent), followed by USAR (24 percent), the ANG (13 percent), AFR (8 percent), the Navy Reserve (8 percent), and the Marine Corps Reserve (5 percent); this reflects the relative size of each RC because the data are weighted.

The analysis reveals that there were differences across components in terms of the activation experiences of RC members. With respect to civilian employment experiences, the responses of Marine Corps Reserve, ARNG, and, to a lesser extent, USAR members suggest that, as a group, members of these components had less attachment to their civilian employers based on their responses to questions about whether they were employed prior to activation, whether they intended to return to the same employers after activation, whether they actually did change jobs after deployment, whether they had periods of unemployment after returning from activation, and whether they needed breaks from civilian employment after activation. In spite of this, the survey responses provided no indication that members of a particular RC were more or less likely to view their employers as supportive of their military service or experience reemployment or other USERRA issues.

Activation Experience

Thirty-four percent of all RC members reported having been activated in the 24 months prior to the survey.

Examining the characteristics and implications of activation by RC, we do observe some variation in the activation experiences (likely reflecting the nature of recent operations) that could influence employer relationships. However, different RCs stood out on different dimensions, leading to no clear conclusions regarding which RCs might pose the greatest challenges for employers.

The percentage of RC members in the Navy Reserve reporting a recent activation was the lowest of the RCs, at 27 percent, while the ARNG was the highest, at 36 percent (Table C.1). Table C.3 suggests that short activations of less than 30 days were somewhat more common for ANG members, but activations of 30 days or more were the norm across all RCs.

The ANG and AFR had noticeably higher percentages of voluntary activations than the other four RCs (see Figure C.1), indicating that there may be concerns with voluntary leave from employment with these two branches.

More than one-fifth (22 percent) of those RC members activated after September 11, 2001, including those activated at the time of the survey, reported that they were wounded during activation. Table C.29 indicates that more than one-quarter of ARNG and USAR members reported being wounded during activation. In contrast, less than 10 percent of ANG members reported being wounded.

Student Status

Among RC members who were not activated at the time of the survey, 32 percent reported being enrolled in civilian schools. This percentage varied by RC, with 44 percent of Marine Corps Reserve members, 35 percent of USAR members, 34 percent of ARNG members, 27 percent of Navy Reserve members, 25 percent of AFR members, and 24 percent of ANG members reporting enrollment in school.[2] Of those students, 67 percent reported that they were enrolled full time (12 credit hours or more per semester) and 33 percent part time. Marine Corps Reserve members reported being enrolled full time at the highest rate (75 percent).

Civilian Employment

Of the RC members who reported being employed, 76 percent overall reported having a full-time civilian job, with *full time* defined as 35 hours per week or more. However, this proportion varied by RC, with 30 percent or more of the members of the Marine Corps Reserve and ARNG who are employed working less than full time (see Table C.6).

Again, of the RC members who reported being employed, a higher percentage of ANG and AFR members (73 percent and 71 percent, respectively) reported returning to the same civilian employers after activation. A lower percentage of Marine Corps Reserve members (56 percent) who were employed at the time of the survey reported having returned to the same employers after activation, and a larger percentage reported that they did not have jobs prior to activation (Table C.8).

Of those reporting private, public, or nonprofit employment *both before and after* activation, 87 percent said that they had returned to the same employers, while 14 percent had changed employers. Marine Corps Reserve members, followed by ARNG members, were the most likely to have reported changing employers after returning from activation (20 percent and 16 percent, respectively).

For those activated at the time of the survey and working in the public, private, or nonprofit sector, 61 percent reported that they planned to return to the same employers. Navy Reserve members were the most likely to report plans to return to the same employment after activation (79 percent), and ARNG members were the least likely (54 percent).

RC members who were not activated at the time of the survey but who had been activated after September 11, 2001, were asked whether they were employed in the three months after their most-recent deactivations. Fifty-nine percent reported working for pay or for profit in the three months after deactivation. More than 60 percent of RC members in AFR, ANG, and Navy Reserve reported working in the three months

[2] Although the RC chief interviews did not include questions about student status, the Marine Corps Reserve chief commented that, in some high-unemployment regions, RC members were using their educational benefits to supplement their incomes when they could not find jobs.

after deactivation, whereas less than 55 percent of USAR and Marine Corps Reserve members did (Table C.31).

Unemployment After Activation

Thirty-four percent of those activated in the previous 24 months reported having periods of unemployment after returning. The percentage of RC members who reported having periods of unemployment after returning from activation is highest for USAR and Marine Corps Reserve members (just over 40 percent and slightly under 40 percent, respectively) and lowest for ANG and AFR members (19 percent and 25 percent, respectively) (Table C.28).

For those who did not return to work in the three months following deactivation, the most frequently selected reason was the need for a break after activation (42 percent). More than half of USAR members cited this reason, while less than 20 percent of AFR members did (Table C.38), which may be related to the length of deployments.

Twenty-five percent of RC members who did not work in the three months following deactivation reported that they decided to attend school. Interestingly, only 6 percent of Navy Reserve members reported that they did not return to work in order to attend school (Table C.39).

Employer Support and USERRA

Most reservists reported feeling that their supervisors and coworkers view their service somewhat or very favorably. Responses to this question did not vary substantially based on the RC member's component.

Overall, 32 percent reported that their principal civilian employers were very supportive in general of their National Guard or Reserve service. Again, responses to this question did not vary substantially based on the RC member's component.

All respondents were asked how often they had been informed about USERRA; 22 percent reported never being informed. Breaking these data down by RC, we see that the Navy Reserve seemed to have somewhat more-frequent reports of not being informed about USERRA (Table C.42).

DoD Employer Survey Responses

In the final section of this appendix, we provide information from the DoD National Survey of Employers, by component. Unlike the RC member survey discussed earlier, the employer survey did include the Coast Guard Reserve. In reviewing this information, it is important to keep in mind that nearly one-quarter of survey respondents reported that they employ RC members from more than one component. It is likely that these employers differ from employers that employ members from only one component. In this section, we emphasize results from regression analyses that control

for other employer characteristics and highlight those findings that are statistically significant.

Overall, to the extent that we observe differences by component, it is between Marine Corps Reserve employers and employers of members of other components. On the one hand, Marine Corps Reserve employers were less likely to report changes to business operations due to a military absence. But when they did experience a change in business operations, Marine Corps Reserve employers were more likely to attribute business challenges to absences being too frequent and to receiving insufficient notice of the absence. Marine Corps Reserve employers reported lower levels of awareness of USERRA obligations and the various ESGR outreach and award programs. They also were less likely to report contact with RC members' military supervisors. These survey findings were consistent with the findings from the interviews with the RC chiefs, which suggested that the employer outreach efforts of the Marine Corps Reserve were not as formalized as those of the other components.

Of the 10,629 employers that responded to the survey, 9,663 reported employing RC members. Using weighted survey data to examine the RC of the employees, we find that 28 percent of RC employers had ARNG employees, while 12 percent had USAR or Navy Reserve employees. Close to 9 percent of employers reported having AFR and ANG employees. Five percent of all RC employers reported having Marine Corps Reserve employees, while only 1 percent reported having Coast Guard Reserve employees. Twenty-four percent of RC employers reported having employees from more than one component. Because we are using weighted survey estimates, this may reflect the relative sizes of the RCs.

Number of Reserve Component Employees

Restricting to RC employers (as defined by the CEI), we see that 26 percent overall reported that they had not employed an RC member in the previous 36 months, while 34 percent overall reported having one RC member as an employee in the 36 months prior to the survey (Table D.1; regression results in Table D.2). Examining by employee component, RC employers with Coast Guard Reserve employees most frequently reported having one RC employee over that span (approximately 60 percent). Marine Corps Reserve employers reported having employed one RC member in the previous 36 months approximately 50 percent of the time.

Approximately 33 percent reported having employed two to ten RC members during the previous 36 months (see Table D.1). Those employers whose respective RC member employees belonged to more than one RC most often reported having two to ten RC employees in the previous 36 months (76 percent); the next-highest frequency were those employers with ARNG members in the workplace, which reported this 23 percent of the time. Seven percent of RC employers overall reported having employed 11 or more RC members during the previous 36 months. Again, those employers whose respective RC member employees belonged to more than one RC

Table D.1
Number of Reservists Employed, by Component (%)

Reservists	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
None	32	35	39	36	30	37	30	0	26
1	43	45	41	50	46	44	60	2	34
2–10	23	18	18	14	20	17	11	76	33
11 or more	2	2	3	1	4	2	0	23	7

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±0.6 percent to ±15.6 percent. In tables in this appendix, higher margin of errors are observed for the Coast Guard Reserve. Weighted Ns range from 2,153 to 47,260 (166,574 overall). Unweighted Ns range from 112 to 2,976 (9,442 overall).

Table D.2
Multinomial Regression Model of the Likelihood of Employing 11 or More Reserve Component Members, Odds Ratios

Employer Characteristic	Likelihood of Employing 11 or More RC Members
FR	0.651**
	(0.140)
Public	3.803***
	(0.631)
ARNG	1.600
	(0.933)
USAR	1.924
	(1.182)
Navy Reserve	2.150
	(1.342)
ANG	3.096*
	(1.900)
AFR	2.249
	(1.456)
More than one RC	17.74***
	(9.896)

Table D.2—Continued

Employer Characteristic	Likelihood of Employing 11 or More RC Members
11–49 employees	0.729
	(0.155)
50–99 employees	0.791
	(0.177)
100–500 employees	1.469*
	(0.321)
501+ employees	3.377***
	(0.775)
Public × FR	(Dropped)
Constant	0.00511***
	(0.00280)

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. The Coast Guard Reserve was dropped from this regression because no firms reported hiring 11 or more Coast Guard Reserve members. N = 8,202.

most often reported having 11 or more RC employees in the previous 36 months (23 percent); the second-highest frequency being those with employees belonging to ANG, which reported this 4 percent of the time.

We could not examine employee RC in relation to the likelihood of hiring any RC employees (because having an employee of any component would mean that the firm hired a RC employee). We did examine RC in relation to the likelihood of employing 11 or more RC members. Employers that reported having employees in the ANG were more likely to employ 11 or more RC members (significant at the 90-percent level) than those that reported having Marine Corps Reserve employees, as are those that reported having employees in more than one RC (significant at the 99-percent level).

Military Leave

Seventy-four percent of RC employers reported being aware that RC employees can take leave for their military duty without returning immediately to their civilian employment (see Table D.3). Those employers whose respective RC member employees belonged to more than one RC most often stated they were aware of the leave policy in question (84 percent); 82 percent of those with employees belonging to the Coast

Table D.3
Employer Awareness of Availability of Military Leave Option, by Employee Reserve Component (%)

Aware	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
No	26	32	35	33	36	32	18	16	26
Yes	74	69	65	67	64	68	82	84	74

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±1.8 percent to ±11.3 percent. Weighted Ns range from 1,519 to 39,285 (122,147 overall). Unweighted Ns range from 77 to 2,299 (7,128 overall).

Guard Reserve said that they were aware of the policy. Employers with RC members belonging to the ANG most frequently indicated they were *not* aware that RC employees could take leave for military duty without immediately returning to employment (36 percent).

Changes to Business Operations

Employers reporting that at least one RC employee had been absent for military duty in the previous 36 months were asked whether these absences resulted in any changes to standard business operations (see Table D.4). Among employers with at least one RC employee military absence, 28 percent of respondents said that the absences had resulted in changes. There were no major differences in affirmative employer responses when examining by employee component; approximately 32 percent of employers with Coast Guard Reserve members absent reported seeing an effect on operations, while approximately 21 percent of employers with Marine Corps Reserve members absent reported changes.

Using a logistic regression model to control for employer size and sector, we explored the relationship between the likelihood of reporting changes and employer characteristics, including RCs of employees (see Table D.5). ARNG and Coast Guard Reserve employers were more likely than Marine Corps Reserve employers to report

Table D.4
Absence Changed Standard Business Operations, by Employee Reserve Component (%)

Changed	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
No	70	72	70	79	71	70	68	74	72
Yes	30	28	30	21	29	30	32	27	28

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±1.8 percent to ±18.8 percent. Weighted Ns range from 1,491 to 38,895 (118,153 overall). Unweighted Ns range from 75 to 2,268 (6,891 overall).

Table D.5
Logistic Regression Model of the Likelihood That a Business Experiences Change as a Result of Reserve Component Employee Absence, Odds Ratios

Employer Characteristic	Likelihood That a Business Experiences Change as a Result of RC Employee Absence
FR	0.780
	(0.452)
Public	1.471***
	(0.136)
Public × FR	2.826*
	(1.677)
ARNG	1.624**
	(0.320)
USAR	1.131
	(0.251)
Navy Reserve	1.311
	(0.301)
ANG	1.337
	(0.298)
AFR	1.534*
	(0.360)
Coast Guard Reserve	2.110**
	(0.773)
More than one RC	1.234
	(0.247)
11–49 employees	0.761***
	(0.0690)
50–99 employees	0.535***
	(0.0604)
100–500 employees	0.460***
	(0.0485)

Table D.5—Continued

Employer Characteristic	Likelihood That a Business Experiences Change as a Result of RC Employee Absence
501+ employees	0.353***
	(0.0698)
Constant	0.355***
	(0.0677)

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Robust standard errors are in parentheses. *** = p < 0.01, ** = p < 0.05, * = p < 0.1. N = 5,905.

changes (statistically significant at the 95-percent level); AFR employers were also more likely than Marine Corps Reserve employers to report changes (statistically significant at the 90-percent level).

As described in Appendix B, employers that reported changes were asked a series of questions regarding the extent to which the absences of RC employees contributed to various business challenges. We organized challenges into four groupings: (1) replacement issues; (2) increased workload and disruptions; (3) problems with finding and keeping clients, as defined by loss of existing business and difficulty developing new business; and (4) increased benefit cost, which was a single survey question. We examined the relationships between employer characteristics and these four dimensions of challenges they reported as a result of the absences of RC employees; this is presented as a series of logistical regression models, one for each of the dimensions, and coeffi-

Table D.6
Logistic Regression Model of the Likelihood That a Business Experiences Certain Challenges as a Result of Reserve Component Employee Absence, Odds Ratios

Employer Characteristic	Replacement Issues	Increased Workload and Disruptions	Client Problems	Increased Benefit Costs
FR	0.452	0.330	3.438	0.850
	(0.535)	(0.330)	(3.529)	(0.175)
Public	0.630***	0.937	0.291***	0.873
	(0.108)	(0.962)	(0.0558)	(0.135)
ARNG	1.756	2.03e-06***	1.393	1.470
	(0.746)	(2.48e-06)	(0.505)	(0.551)
USAR	1.399	(Dropped)	1.359	1.500
	(0.672)	(Dropped)	(0.568)	(0.628)

Table D.6—Continued

Employer Characteristic	Replacement Issues	Increased Workload and Disruptions	Client Problems	Increased Benefit Costs
Navy Reserve	1.368	(Dropped)	1.141	1.554
	(0.664)	(Dropped)	(0.493)	(0.684)
ANG	1.051	(Dropped)	1.689	1.551
	(0.483)	(Dropped)	(0.694)	(0.648)
AFR	1.059	(Dropped)	1.248	0.946
	(0.522)	(Dropped)	(0.525)	(0.417)
Coast Guard Reserve	0.686	(Dropped)	3.164	1.077
	(0.450)	(Dropped)	(2.216)	(0.752)
More than one RC	1.981	1.14e-06***	1.246	2.401**
	(0.854)	(1.66e-06)	(0.467)	(0.916)
Public × FR	1.452	(Dropped)	0.199	N/A
	(1.739)	(Dropped)	(0.214)	N/A
11–49 employees	0.828	1.362	0.480***	0.834
	(0.148)	(1.623)	(0.0763)	(0.128)
50–99 employees	0.907	1.922	0.355***	0.555***
	(0.210)	(2.844)	(0.0807)	(0.122)
100–500 employees	0.935	1.688	0.246***	0.951
	(0.205)	(3.064)	(0.0509)	(0.173)
501+ employees	0.981	0.319	0.279***	0.722
	(0.439)	(0.526)	(0.131)	(0.266)
Constant	3.009***	2.278e+08***	1.122	0.470**
	(1.247)	(3.181e+08)	(0.394)	(0.171)

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. We could not analyze increased workload and disruptions because all employers from several components reported these problems. Public × FR could not be included in the regression for increased benefit costs. Ns range from 1,313 to 1,697.

cients are shown as odds ratios (see Table D.6). We found that, among non-FR employers, public employers were less likely than private employers (statistically significant at the 99-percent level) to report replacement issues or client problems, controlling for FR, size, RC component of employees, and the interaction between public and FR. None of the RC variables had a statistically significant relationship with the likelihood

of reporting replacement issues or of reporting client problems. Increased workload and disruptions were less likely among those that employ ARNG members and among those that employ RC members from more than one component (statistically significant at the 99-percent level). Increased benefit costs were more likely among those that employ RC members from more than one component than among those that employ Marine Corps Reserve members (statistically significant at the 95-percent level).

Aspects of Absence That Pose Problems for Business

The group of employers that reported that military absences resulted in changes for their businesses was also asked what aspects of the absences contributed to the problems for their businesses (regression results in Table D.7). For issues of employees not returning to work, being involuntarily assigned additional military duty, and having a manager or senior leader activated, the majority said that those issues did not contribute to business problems. For frequency of absences, insufficient notice, inconvenient call-up time, and unclear length of absence, more than 50 percent of employers reported that these issues contributed to a small extent or not at all to business problems. Length of absence seemed to cause more hardship, with a majority reporting that it contributed to a moderate or small extent to business problems.

We explored which types of employers were more likely to report that aspects of the military absence contributed in a small, moderate, large, or very large extent to business problems. ARNG employers were less likely than Marine Corps Reserve employers to report that the absences were too frequent and that RC employees failed to return to work as soon as expected (significant at the 90-percent level); ARNG employers were also less likely than Marine Corps Reserve employers to report that there was insufficient notice (significant at the 95-percent level). USAR employers were less likely than Marine Corps Reserve employers to report that the absences were too frequent, that there was insufficient notice, and that employees were involuntarily assigned additional military duty (all significant at the 90-percent level). Navy Reserve employers also were less likely than Marine Corps Reserve employers to report that the absences were too frequent, that there was insufficient notice, and that employees were involuntarily assigned additional military duty (all significant at the 95-percent level). Navy Reserve employers were more likely than Marine Corps Reserve employers to report that business owners were activated (significant at the 90-percent level) and less likely to report that RC employees failed to return to work as soon as expected (significant at the 90-percent level). ANG and AFR employers were less likely than Marine Corps Reserve employers to report that the absences were too frequent (significant at the 95-percent and 99-percent levels, respectively), that there was insufficient notice (significant at the 95-percent level for both), and that the lengths of military assignments were unclear (significant at the 95-percent level for both). Coast Guard Reserve employers were less likely than Marine Corps Reserve employers to report that the absences were too frequent (significant at the 90-percent level) and more likely

Table D.7
Logistic Regression Model of the Likelihood That a Business Reports Aspects of Military Absence Contributing to Business Problems, Odds Ratios

Employer Characteristic	National Guard and Reserve Employee Absences Were Too Frequent	National Guard and Reserve Employee Absences Were Too Long	There Was Insufficient Advance Notice Regarding Upcoming Military Duty	Employees Involuntarily Assigned Additional Military Duty	The Call-Up Came at a Particularly Inconvenient Time and Could Not Be Changed	National Guard and Reserve Employees Failed to Return to Work as Soon as Expected	The Lengths of Military Assignments Were Unclear	The Business Owner or Other Senior Leader Was Activated	Other
FR	1.159	0.819	1.035	0.800	1.174	0.680*	0.656**	0.709	0.335**
	(0.293)	(0.242)	(0.216)	(0.164)	(0.235)	(0.141)	(0.134)	(0.185)	(0.165)
Public	1.360*	1.515**	1.014	1.494**	0.917	1.698***	1.631***	0.936	1.947**
	(0.253)	(0.312)	(0.155)	(0.236)	(0.146)	(0.275)	(0.251)	(0.170)	(0.623)
ARNG	0.477*	1.346	0.480**	0.623	1.618	0.540*	0.720	1.583	0.879
	(0.206)	(0.562)	(0.164)	(0.211)	(0.569)	(0.192)	(0.255)	(0.874)	(0.707)
USAR	0.399*	1.871	0.484*	0.518*	1.509	0.621	0.724	1.279	0.911
	(0.191)	(0.989)	(0.188)	(0.200)	(0.599)	(0.253)	(0.289)	(0.764)	(0.912)
Navy Reserve	0.318**	1.116	0.453**	0.453**	1.322	0.461*	0.629	2.826*	0.800
	(0.154)	(0.543)	(0.181)	(0.183)	(0.543)	(0.196)	(0.257)	(1.685)	(0.923)
ANG	0.374**	1.118	0.470**	0.541	1.481	0.608	0.430**	1.902	2.578
	(0.174)	(0.518)	(0.180)	(0.207)	(0.586)	(0.248)	(0.171)	(1.115)	(2.180)
AFR	0.222***	1.053	0.383**	0.567	1.274	0.620	0.423**	1.052	0.545
	(0.111)	(0.511)	(0.157)	(0.237)	(0.544)	(0.264)	(0.176)	(0.645)	(0.586)

Table D.7—Continued

Employer Characteristic	National Guard and Reserve Employee Absences Were Too Frequent	National Guard and Reserve Employee Absences Were Too Long	There Was Insufficient Advance Notice Regarding Upcoming Military Duty	Employees Involuntarily Assigned Additional Military Duty	The Call-Up Came at a Particularly Inconvenient Time and Could Not Be Changed	National Guard and Reserve Employees Failed to Return to Work as Soon as Expected	The Lengths of Military Assignments Were Unclear	The Business Owner or Other Senior Leader Was Activated	Other
Coast Guard Reserve	0.268*	4.122*	0.374	0.298**	1.694	0.634	0.716	1.329	N/A
	(0.192)	(3.267)	(0.238)	(0.171)	(1.167)	(0.433)	(0.460)	(1.239)	N/A
More than one RC	0.569	1.512	0.904	1.286	2.213**	0.907	1.053	3.039**	1.210
	(0.253)	(0.660)	(0.321)	(0.449)	(0.806)	(0.330)	(0.381)	(1.688)	(1.002)
11–49 employees	0.792	0.836	0.767*	0.875	0.718**	0.849	0.945	0.736*	0.933
	(0.136)	(0.161)	(0.117)	(0.134)	(0.113)	(0.136)	(0.143)	(0.131)	(0.381)
50–99 employees	0.622**	0.866	0.670**	0.787	0.602**	0.796	0.931	0.651*	1.580
	(0.135)	(0.222)	(0.133)	(0.158)	(0.120)	(0.169)	(0.182)	(0.155)	(0.777)
100–500 employees	0.642**	0.874	0.818	0.820	0.605***	1.111	0.986	0.489***	1.443
	(0.134)	(0.217)	(0.154)	(0.152)	(0.114)	(0.210)	(0.181)	(0.114)	(0.668)
501+ employees	0.908	1.567	0.595	1.080	0.556	0.858	1.213	0.358**	0.731
	(0.370)	(0.867)	(0.214)	(0.429)	(0.207)	(0.326)	(0.474)	(0.168)	(0.584)
Constant	6.792***	3.211***	2.630***	1.360	1.324	0.769	1.442	0.195***	0.0684***
	(2.839)	(1.311)	(0.853)	(0.447)	(0.455)	(0.264)	(0.497)	(0.106)	(0.0547)

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. Ns range from 1,663 to 1,686 ("other" = 824, an outlier).

to report that the absences were too long (significant at the 90-percent level). Coast Guard Reserve employers were less likely than Marine Corps Reserve employers to report that their employees were involuntarily assigned additional duty (significant at the 95-percent level). Employers of members of more than one RC were more likely than Marine Corps Reserve employers to report that call-ups came at an inconvenient time (significant at the 95-percent level) and were more likely than Marine Corps Reserve employers to report that business owners were activated (significant at the 95-percent level).

Methods Used to Adapt to Absence

Exploring the relationship between methods used to adapt to RC member absences and employer characteristics, we included covariates for public, FR, the interaction between FR and public, RCs of employees, and employer size in a logistic regression model (see Table D.8). ARNG, USAR, Navy Reserve, and ANG employers were less likely than Marine Corps Reserve employers to divide responsibilities among coworkers (significant at the 90-, 95-, 95-, and 90-percent levels, respectively). AFR employers were less likely than Marine Corps Reserve employers to hire permanent replacements and redistribute work when employees return (significant at the 90-percent level).

Helpful Measures for Business

All respondents were asked which of the following measures would be most helpful for their businesses (assuming they had RC members as employees; see Table D.9). Marine Corps Reserve employers (22 percent) and Coast Guard Reserve employers (32 percent) most frequently reported that an incentive providing partial reimbursement of employer expenses would be helpful. ANG employers most frequently reported that an opportunity to reschedule military duty would be most helpful (25 percent). ARNG, USAR, Navy Reserve, and AFR employers, as well as those employers with RC members in more than one component, most frequently reported that none of the listed measures would be helpful for their businesses.

Exploring responses to this question by employer characteristic (see Table D.10), we see that ARNG employers were less likely than Marine Corps Reserve employers to think that providing replacement assistance (significant at the 90-percent level) and the opportunity to reschedule military duty (significant at the 95-percent level) would be helpful than to report that none of these measures would be helpful, compared with other public employers and controlling for FR, public, the interaction between public and FR, and employer size. Those employers with employees from more than one RC were also less likely than Marine Corps Reserve employers to think that providing replacement assistance (significant at the 95-percent level) would be helpful than to think that none of these measures would be helpful (again controlling for the factors mentioned above).

Table D.8
Logistic Regression Model of the Likelihood That a Business Reports Using Certain Methods to Adapt to Absence of Reserve Component Employees, Odds Ratios

Employer Characteristic	Reassigned Responsibilities to a Single Coworker	Divided Responsibilities Among Coworkers	Supervisors Assumed Responsibilities	Hired Temporary Replacements	Hired a Permanent Replacement and Redistributed Work When Employee Returned	Allowed Work to Build Up Until Employee Returned	Suspended or Delayed Business Operations
FR	0.329	0.0184***	1.382	0.113**	0.736	0.906	2.281**
	(0.373)	(0.0180)	(1.405)	(0.102)	(0.713)	(0.309)	(0.947)
Public	1.241	1.107	0.926	1.014	0.412***	0.806	0.517**
	(0.197)	(0.241)	(0.146)	(0.159)	(0.0767)	(0.182)	(0.142)
Public × FR	2.804	60.78***	0.651	3.565	0.618	N/A	N/A
	(3.226)	(62.25)	(0.675)	(3.293)	(0.622)	N/A	N/A
ARNG	1.165	0.244*	0.886	1.288	1.157	1.138	1.547
	(0.424)	(0.204)	(0.326)	(0.441)	(0.461)	(0.606)	(0.960)
USAR	0.723	0.157**	0.896	0.845	1.161	0.946	1.303
	(0.294)	(0.137)	(0.375)	(0.332)	(0.520)	(0.570)	(0.910)
Navy Reserve	0.855	0.136**	0.852	0.806	0.622	1.366	2.157
	(0.363)	(0.119)	(0.363)	(0.333)	(0.328)	(0.823)	(1.467)
ANG	1.372	0.190*	0.822	0.935	0.533	2.231	2.128
	(0.552)	(0.165)	(0.337)	(0.362)	(0.255)	(1.268)	(1.418)
AFR	0.985	0.242	1.348	1.040	0.363*	1.626	2.443
	(0.428)	(0.215)	(0.593)	(0.434)	(0.190)	(0.981)	(1.671)

Table D.8—Continued

Employer Characteristic	Reassigned Responsibilities to a Single Coworker	Divided Responsibilities Among Coworkers	Supervisors Assumed Responsibilities	Hired Temporary Replacements	Hired a Permanent Replacement and Redistributed Work When Employee Returned	Allowed Work to Build Up Until Employee Returned	Suspended or Delayed Business Operations
Coast Guard Reserve	0.556	0.731	1.386	0.474	0.657	3.419	2.735
	(0.362)	(0.759)	(0.976)	(0.323)	(0.593)	(2.632)	(2.594)
More than one RC	1.351	0.420	1.180	1.284	1.690	0.777	0.803
	(0.504)	(0.357)	(0.453)	(0.453)	(0.686)	(0.440)	(0.516)
11–49 employees	0.758*	1.203	0.545***	0.742**	0.972	0.630**	0.357***
	(0.115)	(0.259)	(0.0870)	(0.113)	(0.178)	(0.147)	(0.0906)
50–99 employees	0.640**	0.913	0.550***	0.666**	0.995	0.878	0.185***
	(0.128)	(0.246)	(0.111)	(0.132)	(0.250)	(0.259)	(0.0774)
100–500 employees	0.931	1.082	0.514***	0.671**	1.455*	0.554*	0.340***
	(0.173)	(0.305)	(0.0978)	(0.126)	(0.306)	(0.171)	(0.110)
501+ employees	1.166	2.686	0.356***	0.697	0.915	0.727	N/A
	(0.442)	(2.181)	(0.134)	(0.261)	(0.420)	(0.463)	N/A
Constant	1.079	25.15***	2.610***	0.902	0.387**	0.174***	0.167***
	(0.383)	(20.93)	(0.943)	(0.301)	(0.149)	(0.0858)	(0.0990)

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. Public × FR could not be included in "allowed work to build up" or "suspended or delayed business operations"; the category "501+ employees" could not be included in "suspended or delayed business operations." Ns range from 1,625 to 1,685.

Table D.9
Helpful Measures for Business, by Employee Reserve Component (%)

Measure	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
An incentive for hiring a National Guard or Reserve employee	20	18	14	19	15	16	8	17	17
Providing replacement assistance for job vacancies	15	17	20	17	18	18	17	13	16
Opportunity to reschedule military duty to a more manageable time	17	21	24	21	25	22	22	25	21
An incentive providing partial reimbursement of employer expenses, such as a tax incentive, grant, or low-interest loan	22	18	16	22	23	21	32	19	20
None of these measures would be helpful for my business.	26	26	26	21	19	24	22	27	25

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±1.2 percent to ±21.5 percent. Weighted Ns range from 2,155 to 45,855 (161,973 overall). Unweighted Ns range from 110 to 2,886 (9,160 overall).

Table D.10
Multinomial Regression Model of the Likelihood That a Business Reports That Certain Measures Would Be Helpful, Odds Ratios

Employer Characteristic	An Incentive for Hiring a National Guard or Reserve Employee	Providing Replacement Assistance for Job Vacancies	Opportunity to Reschedule Military Duty to a More Manageable Time	An Incentive Providing Partial Reimbursement of Employer Expenses, Such as a Tax Incentive, Grant, or Low-Interest Loan
FR	0.751	0.414	0.586	0.743
	(0.435)	(0.315)	(0.373)	(0.366)
Public	0.468***	0.950	0.889	0.479***
	(0.0600)	(0.108)	(0.0961)	(0.0553)
Public × FR	1.054	1.579	1.201	1.801
	(0.646)	(1.235)	(0.791)	(0.939)
ARNG	0.872	0.680*	0.633**	0.787
	(0.192)	(0.148)	(0.129)	(0.155)
USAR	0.872	0.937	0.727	0.748
	(0.211)	(0.222)	(0.161)	(0.164)
Navy Reserve	0.750	1.039	1.098	0.711
	(0.190)	(0.256)	(0.252)	(0.163)
ANG	0.893	1.191	1.130	1.034
	(0.231)	(0.296)	(0.266)	(0.237)
AFR	0.782	0.888	0.901	0.892
	(0.206)	(0.226)	(0.218)	(0.209)
Coast Guard Reserve	0.610	0.820	0.805	0.840
	(0.320)	(0.358)	(0.302)	(0.329)
More than one RC	1.029	0.575**	0.829	0.853
	(0.238)	(0.136)	(0.178)	(0.179)
11–49 employees	1.012	0.925	1.209*	1.057
	(0.113)	(0.103)	(0.128)	(0.109)
50–99 employees	0.913	0.852	1.308**	0.903
	(0.125)	(0.118)	(0.165)	(0.116)

Table D.10—Continued

Employer Characteristic	An Incentive for Hiring a National Guard or Reserve Employee	Providing Replacement Assistance for Job Vacancies	Opportunity to Reschedule Military Duty to a More Manageable Time	An Incentive Providing Partial Reimbursement of Employer Expenses, Such as a Tax Incentive, Grant, or Low-Interest Loan
100–500 employees	0.834	0.865	1.195	0.780**
	(0.107)	(0.112)	(0.145)	(0.0936)
501+ employees	0.507***	0.889	1.426	0.683
	(0.129)	(0.219)	(0.319)	(0.159)
Constant	0.963	0.870	0.919	1.230
	(0.207)	(0.183)	(0.181)	(0.235)

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Robust standard errors are in parentheses. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$. Baseline category is reporting that "none of these measures would be helpful for my business." N = 7,955.

Employer Perspectives on USERRA

We examined employer perspectives on USERRA by RC. In Table D.11, we present employer responses to three statements regarding knowledge of USERRA by the RCs of their employees. For the statement "I know everything I need to remain in compliance with USERRA," 37 percent of Coast Guard Reserve employers (the highest frequency) reported that they strongly disagreed or disagreed, compared with 15 percent of those that employ members of more than one RC (the lowest frequency). For the statement "I know where to go when I need help fulfilling my responsibilities under USERRA," Coast Guard Reserve employers again most frequently reported disagreeing or strongly disagreeing (29 percent), compared with 9 percent of those that employ RC members from multiple components. For the third statement, regarding knowing that ESGR is a valuable resource, 24 percent of Coast Guard Reserve employers disagreed or strongly disagreed with this statement, compared with 9 percent of those employers whose RC members were in more than one component.

Restricting to employers that employed RC members, in a logistic regression model of the likelihood that a business would disagree with statements about law and compliance with USERRA, we analyzed responses by employer characteristic (see Table D.12).[3] Employers that employed RC members from more than one component were less likely to disagree or strongly disagree that they knew everything they needed to remain in compliance and that ESGR was a valuable resource than Marine Corps Reserve employers (significant at the 99-percent level). Employers that

[3] More detail regarding firm characteristics was provided for RC employers than for non-RC employers.

Table D.11
USERRA Knowledge (%)

Knows	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
I know everything I need to remain in compliance with USERRA									
Strongly disagree	9	9	9	8	9	13	20	2	8
Disagree	20	17	20	24	21	18	17	13	18
Neither agree nor disagree	34	33	32	30	34	30	43	26	31
Agree	28	32	29	30	26	29	15	42	32
Strongly agree	9	9	10	8	9	11	6	18	11
I know where to go when I need help fulfilling my responsibilities under USERRA									
Strongly disagree	7	7	9	7	7	9	1	1	6
Disagree	15	13	12	14	15	13	28	8	12
Neither agree nor disagree	21	17	22	19	19	19	17	9	17
Agree	40	42	34	44	40	38	44	48	42
Strongly agree	17	21	24	17	20	21	10	34	23
I know that ESGR is a valuable resource for finding the best way for my business to comply with USERRA									
Strongly disagree	5	6	6	6	5	9	2	2	5
Disagree	9	7	8	18	10	7	22	7	9
Neither agree nor disagree	33	30	34	29	32	35	35	24	31
Agree	37	42	33	36	38	36	31	42	38
Strongly agree	16	15	19	13	15	13	11	26	18

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±0.7 percent to ±24.9 percent. Weighted Ns range from 2,176 to 46,984.Unweighted Ns range from 112 to 2,958.

Table D.12
Logistic Regression Model of the Likelihood That a Business Disagrees with Statements About the Law and Compliance with USERRA, Odds Ratios

Employer Characteristic	Disagree with Statement: "I Know Everything I Need to Remain in Compliance with USERRA."	Disagree with Statement: "I Know Where to Go When I Need Help Fulfilling My Responsibilities Under USERRA."	Disagree with Statement: "I Know That ESGR Is a Valuable Resource for Finding the Best Way for My Business to Comply with USERRA."
FR	1.196	1.507	0.552
	(0.541)	(0.716)	(0.409)
Public	0.722***	0.617***	0.642***
	(0.0628)	(0.0655)	(0.0768)
ARNG	0.924	0.962	0.694**
	(0.135)	(0.156)	(0.119)
USAR	0.930	1.039	0.657**
	(0.151)	(0.187)	(0.128)
Navy Reserve	0.891	0.948	0.651**
	(0.153)	(0.177)	(0.131)
ANG	1.067	0.978	0.747
	(0.178)	(0.181)	(0.148)
USAF	1.015	1.039	0.845
	(0.176)	(0.200)	(0.174)
Coast Guard Reserve	0.981	0.932	0.577
	(0.312)	(0.336)	(0.269)
More than one RC	0.430***	0.425***	0.455***
	(0.0698)	(0.0790)	(0.0871)
Public × FR	1.168	0.973	2.375
	(0.553)	(0.491)	(1.817)
11–49 employees	0.870*	0.825**	0.856
	(0.0658)	(0.0671)	(0.0817)
50–99 employees	0.718***	0.499***	0.694***
	(0.0707)	(0.0576)	(0.0884)
100–500 employees	0.516***	0.307***	0.518***
	(0.0491)	(0.0384)	(0.0648)

Table D.12—Continued

Employer Characteristic	Disagree with Statement: "I Know Everything I Need to Remain in Compliance with USERRA."	Disagree with Statement: "I Know Where to Go When I Need Help Fulfilling My Responsibilities Under USERRA."	Disagree with Statement: "I Know That ESGR Is a Valuable Resource for Finding the Best Way for My Business to Comply with USERRA."
501+ employees	0.376***	0.121***	0.538***
	(0.0857)	(0.0420)	(0.127)
Constant	0.550***	0.422***	0.324***
	(0.0773)	(0.0651)	(0.0524)

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Robust standard errors are in parentheses. *** = p < 0.01, ** = p < 0.05, * = p < 0.1. Ns range from 8,151 to 8,165.

employed RC members from more than one component were also less likely to disagree or strongly disagree that they knew where to go when they needed help than Marine Corps Reserve employers (significant at the 99-percent level). ARNG, USAR, and Navy Reserve employers were less likely than Marine Corps Reserve employers to disagree or strongly disagree that they knew that ESGR was a valuable resource (significant at the 95-percent level).

Employer Perspectives on and Awareness of ESGR Programs

In this section, we explore employer perspectives on and awareness of ESGR programs by the RCs of members employed by respondents. Table D.13 shows awareness of programs for employers, including the unit mission ceremony and boss lift. Those with employees in more than one RC most frequently reported participating in all programs, with the exception of "other," for which ANG employers reported participation as frequently as did those with employees in more than one RC (2 percent for both). This is not surprising because those with more than one RC may have more RC employees in general and thus more opportunities to participate.

Statement of Support

Among RC employers, 21 percent reported displaying a signed SOS (see Table D.14). Those employing RC members representing multiple components most often reported that their SOSs were on display (approximately 37 percent), while those that employed Marine Corps Reserve or Coast Guard Reserve members reported this only 9 percent of the time. Interestingly, those employing RC members representing multiple components also most frequently stated they had signed but not displayed the SOS (approximately 13 percent); 11 percent of ANG employers had signed but not displayed the statement. Slightly less than 5 percent of RC employers had heard of but had not signed or had no intentions of signing the SOS; approximately 7 percent of Marine Corps Reserve employers affirmed this. Those employing Coast Guard Reserve and

Table D.13
Awareness of Programs for Employers (%)

Aware	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
Unit mission ceremony									
Yes, and my business has participated in this program in the previous 36 months	3	3	2	2	3	2	1	6	4
Yes, but my business has not participated in this program in the previous 36 months	10	8	8	9	12	8	6	13	10
No, my business was unaware of this program	49	45	47	48	49	46	58	45	47
I do not know whether my business is aware of this program	38	44	44	42	36	44	35	35	39
Military installation visit									
Yes, and my business has participated in this program in the previous 36 months	3	3	2	2	4	5	1	7	4
Yes, but my business has not participated in this program in the previous 36 months	10	9	7	9	13	10	9	14	11
No, my business was unaware of this program	50	45	48	48	48	44	58	44	47
I do not know whether my business is aware of this program	37	43	43	42	35	41	34	34	38

Table D.13—Continued

Aware	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
Boss lift									
Yes, and my business has participated in this program in the previous 36 months	2	1	2	2	4	3	1	6	3
Yes, but my business has not participated in this program in the previous 36 months	9	8	7	7	11	8	9	13	9
No, my business was unaware of this program	52	48	49	51	49	46	55	46	49
I do not know whether my business is aware of this program	38	43	43	41	36	44	36	36	39
Yellow Ribbon program activities									
Yes, and my business has participated in this program in the previous 36 months	3	3	1	2	3	3	1	6	4
Yes, but my business has not participated in this program in the previous 36 months	11	11	10	10	13	9	7	15	12
No, my business was unaware of this program	49	45	48	48	49	45	58	45	47
I do not know whether my business is aware of this program	37	42	42	41	36	43	33	34	38

Table D.13—Continued

Aware	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
Lunch or breakfast with the boss									
Yes, and my business has participated in this program in the previous 36 months	2	1	1	1	2	2	0	3	2
Yes, but my business has not participated in this program in the previous 36 months	8	7	7	7	10	6	7	11	8
No, my business was unaware of this program	53	49	49	51	50	48	57	49	50
I do not know whether my business is aware of this program	38	44	43	41	37	44	36	37	40
Other									
Yes, and my business has participated in this program in the previous 36 months	1	1	0	1	2	1	1	2	1
Yes, but my business has not participated in this program in the previous 36 months	7	4	3	7	6	3	0	5	5
No, my business was unaware of this program	44	43	40	41	45	45	66	45	44
I do not know whether my business is aware of this program	49	52	56	51	47	51	34	48	50

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±0.4 percent to ±21.2 percent. Weighted Ns range from 1,179 to 46,495. Unweighted Ns range from 58 to 2,928.

Table D.14
Awareness of Statement of Support, by Employee Reserve Component (%)

Aware	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
Yes, my business displays a signed SOS	18	15	16	9	18	16	9	37	21
Yes, my business has signed the SOS but does not display it	9	9	7	5	11	9	3	13	9
Yes, although my business has not or does not intend to sign the SOS	4	6	5	7	4	5	5	4	5
No, my business is not aware of the SOS	70	70	73	80	68	71	83	46	65

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±0.6 percent to ±9.2 percent. Weighted Ns range from 2,157 to 45,045 (157,423 overall). Unweighted Ns range from 112 to 2,823 (8,909 overall).

Marine Corps Reserve members most frequently reported that they were unaware of the SOS (83 percent and 80 percent, respectively).

Contact with Military Supervisor and ESGR

All RC employers were asked whether they had contact with their RC employees' military supervisors or commanders in the previous 36 months. For RC employers, 17 percent overall reported that their businesses had contact with supervisors or commanders; those employing RC members representing multiple components reported contact 25 percent of the time, and those employing ANG members reported contact 17 percent of the time, similar to the total percentage of those reporting contact. Employers of Marine Corps Reserve members least frequently reported having had contact with their employees' military supervisors or commanders during the previous 36 months (6 percent) (see Table D.15).

All RC employers were asked whether they had contact with ESGR in the 36 months prior to the survey through various methods. RC employers that reported having ESGR contact within the 36 months prior to the survey most frequently communicated via letter or brochure (16 percent) and the ESGR website (10 percent; see Table D.16).

Those employing RC members representing multiple components most often reported contact via the ESGR website (18 percent). Those employing Coast Guard Reserve members and those employing Marine Corps Reserve members most often stated they had *not* had contact via the ESGR website (72 percent and 70 percent,

Table D.15
Contact with Military Supervisor, by Employee Reserve Component (%)

Contact	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Total
Yes	17	12	8	6	17	14	9	25	17
No	62	59	66	75	60	59	78	47	58
Don't know	21	29	25	19	23	27	14	28	25

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±1.3 percent to ±13.6 percent. Weighted Ns range from 1,519 to 39,397 (121,450 overall). Unweighted Ns range from 77 to 2,287 (7,069 overall).

Table D.16
ESGR Contact (%)

Contact	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
Letter or brochure									
Yes	14	14	10	7	17	10	18	23	16
No	55	51	56	67	51	52	58	44	51
Don't know	30	35	35	27	32	37	24	34	33
Email									
Yes	6	4	3	3	8	4	8	15	8
No	64	62	64	71	61	57	73	50	59
Don't know	30	35	33	26	31	38	20	35	33
ESGR website									
Yes	7	9	4	4	9	7	8	18	10
No	64	58	63	70	62	57	72	49	58
Don't know	29	33	33	26	29	36	20	33	32
ESGR call center									
Yes	2	2	1	2	3	3	4	6	4
No	68	64	66	73	66	60	75	58	64
Don't know	30	34	33	25	30	37	21	35	33

Table D.16—Continued

Contact	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
Telephone contact other than with the call center									
Yes	6	3	2	3	6	4	4	14	8
No	64	63	66	71	64	59	75	51	60
Don't know	30	35	31	26	30	37	20	35	32
ESGR visit to your location									
Yes	5	4	1	2	7	3	1	9	5
No	69	64	69	76	66	62	76	61	65
Don't know	27	32	30	23	27	35	23	31	29
Conference, trade show, or work fair									
Yes	3	3	1	1	4	2	0	7	4
No	70	64	67	76	66	61	80	62	66
Don't know	27	33	31	23	30	36	20	32	30
Other									
Yes	2	1	1	2	2	3	2	4	2
No	64	58	56	74	62	60	78	53	59
Don't know	34	41	44	24	36	37	20	43	38

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±0.4 percent to ±21.3 percent. Weighted Ns range from 1,050 to 38,860. Unweighted Ns range from 53 to 2,256.

respectively). Most employers, however, did not have contact with ESGR through these means nor knew whether contact had occurred (Table D.16).

Awards

RC employers were asked whether their businesses had received any awards in the previous 36 months for the support provided to RC employees (see Table D.17). Less than 5 percent of RC employers overall had received any of the awards, with the exception of the Patriot Award, which 5 percent reported receiving. At least one-quarter of employers were unsure whether their businesses had received the award for all awards listed. Those employing RC members representing multiple components most frequently said they had received the Patriot Award (8 percent). Again, those employing RC members representing multiple components were the most-frequent recipients of the Employer Above and Beyond Award (6 percent).

Table D.17
Awards Received (%)

Award	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
Secretary of Defense Employer Support Freedom Award									
Yes	2	3	1	2	1	2	0	3	2
No	75	67	69	82	76	72	80	66	71
Don't know	23	30	31	17	24	26	20	31	27
Employer Above and Beyond Award									
Yes	3	2	1	0	2	2	1	6	4
No	74	68	68	84	74	72	79	65	70
Don't know	22	30	31	16	24	26	20	29	36
Seven Seals Award									
Yes	0	0	0	0	0	1	0	1	1
No	77	68	69	84	77	75	80	68	73
Don't know	23	31	31	16	23	25	20	31	27
Patriot Award									
Yes	5	5	2	3	5	4	4	8	5
No	74	65	68	81	71	70	76	62	68
Don't know	22	30	30	16	24	27	20	31	27
Pro Patria Award									
Yes	0	1	0	0	0	1	0	1	1
No	78	69	69	83	77	73	80	68	72
Don't know	22	31	31	17	23	26	20	31	27
Freedom Award									
Yes	1	1	0	0	0	1	0	4	2
No	77	68	69	83	76	73	79	66	71
Don't know	23	31	31	17	24	26	21	31	27
Media recognition									
Yes	2	2	1	1	2	2	0	6	3
No	76	69	70	84	75	73	80	65	71
Don't know	22	29	29	15	24	26	20	29	26

Table D.17—Continued

Award	ARNG	USAR	Navy Reserve	Marine Corps Reserve	ANG	AFR	Coast Guard Reserve	More Than One RC	Overall
Some other award									
Yes	3	1	1	4	4	3	2	5	3
No	72	65	62	82	67	72	85	59	67
Don't know	25	33	36	15	30	25	13	36	30

SOURCE: Authors' analysis of data from the DoD National Survey of Employers.

NOTE: Margin of error ranges from ±0.4 percent to ±16.2 percent. Weighted Ns range from 1,055 to 38,106. Unweighted Ns range from 57 to 2,206.

APPENDIX E

Employer Focus Group and Interview Methods

We conducted interviews with 16 employers in focus groups and individually via telephone in the spring and summer of 2012.[1] Interviews addressed employer experiences with employees who are RC members, employer perspectives on USERRA and support programs provided by ESGR, and employer perspectives on utilization policies and outreach efforts of the RCs. Interviews were used to understand some of the subtler issues that employers face in dealing with employee absences, including the relative weight of different factors in contributing to employer impact. In the main report (Gates et al., 2013), we use quotations from the interviews along with open-ended survey responses to highlight key points or trade-offs and provide specific examples. In this appendix, we provide detailed information about the sample selection and recruitment for interviews and focus groups and the content of the interviews.

Employers were randomly selected from the population of all U.S. employers and from the population of CEI employers to be recruited for an interview through stratified sampling techniques. Strata were defined based on three characteristics of the employer establishment: metropolitan statistical area (MSA), employer sector, and, for private-sector employers, employer size. The interview sample was not designed to be nationally representative. Rather, employers were selected for participation based on whether they met criteria for inclusion in the stratum.

Metropolitan Statistical Area

We drew the sample from four MSAs where we recruited focus group participants and conducted focus groups and telephone interviews: Jacksonville, Florida; Pittsburgh, Pennsylvania; San Diego, California; and Chicago, Illinois. The average distribution

[1] This data collection was approved by the Office of Management and Budget (OMB) (Control 0704-0484) in accordance with the Paperwork Reduction Act (Pub. L. 96-511, 1980).

of Guard and Reserve members across RCs in the selected MSAs approximates the national average distribution of Guard and Reserve members across RCs.[2]

Sector and Size

We stratified employers in the following categories: public-sector employers (not FRs), public-sector FRs, small private-sector employers (fewer than 50 employees across all locations), and medium and large private-sector employers (50 or more employees across all locations).

Our sample included both establishments that have employed Guard or Reserve members in their workforces since June 2007 (CEI) and establishments not known to employ Guard or Reserve members in their workforces (non-CEI). We intentionally excluded employers that had been invited to participate in the DoD National Survey of Employers.

Once the initial sample was identified, we contacted the sampled employers by phone to validate the information in the data file and stratum assignments, confirm the number of employees at the employer in question, identify appropriate participants for the focus group, obtain their direct contact information, and solicit focus group participation as appropriate. This contact was guided by a telephone script. After obtaining contact information, we extended an invitation to each potential focus group participant in the form of a letter from the RAND Corporation describing the purpose of the study, a letter of support from the Assistant Secretary of Defense for Reserve Affairs, and a fact sheet about the focus groups. To confirm participation, we followed up by telephone within two weeks of mailing the invitation.

Table E.1 summarizes the number of employers contacted during our initial phone screening effort to recruit for focus groups in each MSA.

When an employer from the sample was initially contacted by phone, the results were logged as belonging to one of five discrete categories: "yes" (agreed to participate), "no" (declined to participate), "requested mailing" (did not agree or decline; requested more information), "left message" (either with an employee or voicemail), or "error" (e.g., employer was not reachable because of incorrect contact information, disconnected number).

Table E.2 summarizes the results of the initial phone screenings by category.

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[2] Only establishments located in these MSAs were recruited to participate in the study. In choosing the specific MSAs, we reviewed the following data: the number of Guard and Reserve members residing in the MSA, distribution of those Guard and Reserve members across RCs, total population of the MSA, and unemployment rate in the MSA. Data on the number of RC members residing in a particular MSA are available from DoD's Defense Enrollment Eligibility Reporting System (DEERS) file. A secondary consideration was the size of the sites selected. The sites needed to be large enough in terms of both the number of reservists residing in the MSA and the total population to ensure the existence of a sufficient number of employers that may have had some experience with reservists.

Table E.1
Employers Contacted, by Metropolitan Statistical Area and Civilian Employment Information Status

Type	Pittsburgh	Jacksonville	Chicago	San Diego	Total
CEI	366	302	334	332	1,334
Non-CEI	167	350	318	188	1,023
Total	533	652	652	520	2,357

Table E.2
Results of Employer Screening

Type	Yes	No	Mailing	Message	Error
CEI	1	19	7	47	25
Non-CEI	1	30	8	31	31

All employers logged as "yes" or "requested mailing" received a packet of information as mentioned earlier. Those logged as "left message" received follow-up calls within one work week in an attempt to determine interest in participating. Some marginal success was achieved in reaching employers with follow-up calls, but often another message was left and contact was unsuccessful. If an employer was logged as "error" during the initial screening call, an effort was made to determine accurate contact information, and a subsequent screening attempt was made. In this case, several employers were ultimately contacted.

After initial screening calls were complete and response rates were reviewed, with the sponsor's concurrence, we began to offer the option for an employer phone interview in lieu of participation in a focus group. This decision was made based on feedback collected during the initial screening phase, in which employers expressed a reluctance to participate in a focus group because of the time burden involved and scheduling conflicts. In order to support continuation of screening calls, a second sample of potential participants was created using the same techniques described previously in this section. Response rates from this effort were similar to, if not less positive than, the initial round of calls.

One in-person focus group was conducted in May 2012 in Pittsburgh, Pennsylvania, with five participants representing each of the employer categories except for FRs. For the remaining MSAs selected for the study, only phone interviews were used to collect data. The interview protocol used in the focus group and all phone interviews was identical.

Interview responses were recorded and organized to support subsequent analysis of interview themes across respondents, both from the focus group and phone settings. Each participant in the Pittsburgh MSA focus group was treated as a single interviewee for the purposes of the analysis.

References

Alabama Power Co. v. Davis, 431 U.S. 581, 1977.

Breletic v. CACI, Inc., 413 F. Supp. 2d 1329, N.D. Ga., 2006.

Carder v. Cont'l Airlines, Inc., 636 F.3d 172, 5th Cir., 2011.

Code of Federal Regulations, Title 29, Labor, Subtitle B, Regulations Relating to Labor, Chapter V, Wage and Hour Division, Department of Labor, Subchapter C, Other Laws, Part 825, The Family and Medical Leave Act of 1993, Subpart B, Employee Leave Entitlements Under the Family and Medical Leave Act, Section 825.220, Protection for Employees Who Request Leave or Otherwise Assert FMLA Rights.

Coffy v. Republic Steel Corp., 447 U.S. 191, 1980.

Conners v. Billerica Police Dep't, 679 F. Supp. 2d 218, D. Mass., 2010.

Crotty, Matt, "The Uniformed Services Employment and Reemployment Rights Act and Washington State's Veteran's Affairs Statute: Still Short on Protecting Reservists from Hiring Discrimination," *Gonzaga Law Review*, Vol. 43, No. 1, August 2007, pp. 169–197. As of March 19, 2013:
http://blogs.gonzaga.edu/gulawreview/files/2011/02/Crotty.pdf

Dees v. Hyundai Motor Mfg. Ala., LLC, 605 F. Supp. 2d 1220, M.D. Ala., 2009.

Defense Manpower Data Center, *June 2008 Status of Forces Survey of Reserve Component Members: Tabulations of Responses*, Arlington, Va., Report 2009-008, 2009.

DePremio, Heather, "The War Within the War: Notice Issues for Veteran Reemployment," *Naval Law Review*, Vol. 53, 2006, pp. 31–54.

Dettling v. Adams, 575 F. Supp. 2d 842, N.D. Ohio, 2008.

DMDC—*See* Defense Manpower Data Center.

Figueroa Reyes v. Hosp. San Pablo del Este, 389 F. Supp. 2d 205, D.P.R., 2005.

Fishgold v. Sullivan Dry Dock & Repair Corp., 328 U.S. 275, 1946.

Garrett v. Circuit City Stores, 449 F.3d 672, 5th Cir., 2006.

Gates, Susan M., Geoffrey McGovern, Ivan Waggoner, John D. Winkler, Ashley Pierson, Lauren Andrews, and Peter Buryk, *Supporting Employers in the Reserve Operational Forces Era: Are Changes Needed to Veterans' Employment Rights Legislation, Policies, or Programs?* Santa Monica, Calif.: RAND Corporation, 2013.

Hansen, Michael L., Celeste Gventer, John D. Winkler, and Kristy N. Kamarck, *Reshaping the Army's Active and Reserve Components*, Santa Monica, Calif.: RAND Corporation, MG-961-OSD, 2011. As of March 20, 2013:
http://www.rand.org/pubs/monographs/MG961.html

Kitts v. Menards, Inc., 519 F. Supp. 2d 837, N.D. Ind., 2007.

Landis v. Pinnacle Eye Care, LLC, 537 F.3d 559, 6th Cir., 2008.

Lopez v. Dillard's, Inc., 382 F. Supp. 2d 1245, D. Kan., 2005.

Manson, H. Craig, "The Uniformed Services Employment and Reemployment Rights Act of 1994," *Air Force Law Review*, Vol. 47, 1999, pp. 55–88.

Monroe v. Standard Oil Co., 452 U.S. 549, 1981.

Petersen v. Dep't of Interior, 71 M.S.P.R. 227, 1996. As of March 29, 2013:
http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=247130&version=247402&application=ACROBAT

Pittman v. DOJ, 486 F.3d 1276, Fed. Cir., 2007.

Public Law 76-783, Selective Training and Service Act, September 16, 1940.

Public Law 77-213, Service Extension Act, August 18, 1941.

Public Law 80-759, Selective Service Act, June 24, 1948.

Public Law 82-51, amendments to the Selective Service Act, June 19, 1951.

Public Law 85-857, Veterans Benefits Act, September 2, 1958.

Public Law 86-632, amendments to the Universal Military Training and Service Act (formerly the Selective Service Act), July 12, 1960. As of March 29, 2013:
http://www.gpo.gov/fdsys/pkg/STATUTE-74/pdf/STATUTE-74-Pg467.pdf

Public Law 88-352, Civil Rights Act, July 2, 1964.

Public Law 90-40, amendments to the Military Training and Service Act, June 30, 1967. As of April 15, 2013:
http://www.gpo.gov/fdsys/pkg/STATUTE-81/pdf/STATUTE-81-Pg100.pdf

Public Law 90-202, Age Discrimination in Employment Act, December 15, 1967.

Public Law 93-508, Vietnam Era Veterans' Readjustment Assistance Act, December 3, 1974.

Public Law 96-511, Paperwork Reduction Act, December 11, 1980.

Public Law 99-272, Consolidated Omnibus Budget Reconciliation Act, April 7, 1986.

Public Law 101-336, Americans with Disabilities Act, July 26, 1990.

Public Law 103-3, Family and Medical Leave Act, February 5, 1993.

Public Law 103-353, Uniformed Services Employment and Reemployment Rights Act, October 13, 1994.

Public Law 105-368, Veterans Programs Enhancement Act, November 11, 1998. As of March 29, 2013:
http://www.gpo.gov/fdsys/pkg/PLAW-105publ368/pdf/PLAW-105publ368.pdf

Public Law 106-419, Veterans Benefits and Health Care Improvement Act, November 1, 2000. As of March 29, 2013:
http://www.gpo.gov/fdsys/pkg/PLAW-106publ419/pdf/PLAW-106publ419.pdf

Public Law 108-454, Veterans Benefits Improvement Act, December 10, 2004. As of March 29, 2013:
http://www.gpo.gov/fdsys/pkg/PLAW-108publ454/pdf/PLAW-108publ454.pdf

Public Law 111-275, Veterans' Benefits Act, October 13, 2010. As of March 29, 2013:
http://www.gpo.gov/fdsys/pkg/PLAW-111publ275/pdf/PLAW-111publ275.pdf

Public Law 112-56, Vow to Hire Heroes Act, November 21, 2011. As of March 29, 2013:
http://www.gpo.gov/fdsys/pkg/PLAW-112publ56/pdf/PLAW-112publ56.pdf

StataCorp, *Stata Statistical Software: Release 10*, College Station, Texas, 2007.

U.S. Code, Title 5, Government Organization and Employees, Part III, Employees, Subpart F, Labor-Management and Employee Relations, Chapter 71, Labor-Management Relations.

———, Title 38, Veterans' Benefits, Part II, General Benefits, Chapter 20, Benefits for Homeless Veterans, Subchapter III, Training and Outreach, Section 2021, Homeless Veterans Reintegration Programs. As of March 29, 2013:
http://www.gpo.gov/fdsys/granule/USCODE-2010-title38/USCODE-2010-title38-partII-chap20-subchapIII-sec2021/content-detail.html

———, Title 38, Veterans' Benefits, Part III, Readjustment and Related Benefits, Chapter 43, Employment and Reemployment Rights of Members of the Uniformed Services.

———, Title 50—Appendix, War and National Defense, Military Selective Service Act, Act June 24, 1948, Ch. 625, 62 Stat. 604, Section 459, Separation from Service. As of March 29, 2013:
http://uscodebeta.house.gov/view.xhtml?req=granuleid:USC-prelim-title50a-node102-node104-section459&num=0&edition=prelim

U.S. Senate, Report 93-907, June 10, 1974.

———, Servicemembers Access to Justice Act, Senate Bill 463, hearings held before the Committee on Veterans' Affairs, April 29, 2009. As of March 29, 2013:
http://thomas.loc.gov/cgi-bin/bdquery/z?d111:s263:

Vega-Colon v. Wyeth Pharms., 625 F.3d 22, 1st Cir., 2010.

Von Allmen v. Connecticut Teachers Retirement Board, 613 F.2d 356, 2nd Cir., 1979.

Wright, Samuel F., *Everything You Always Wanted to Know About USERRA but Were Afraid to Ask*, Service Members Law Center, Law Review 104, December 2003. As of April 15, 2013:
http://www.servicemembers-lawcenter.org/LAW_REVIEW_104.html

Wysocki v. IBM, 607 F.3d 1102, 6th Cir., 2010.

Wysocki v. IBM, 131 S. Ct. 945, 2011.